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Regulations and Non-Regulatory Revisions to State Implementation Plan: Oregon

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Office of Air Quality
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Regulations and Non-Regulatory Revisions to State Implementation Plan: Oregon

By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

July 1981

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(Please read Instructions on the reverse before completing)

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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Oregon, EPA-450/2-80-044, prepared under Contract 68-02-3388, July 31, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF OREGON SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
04/18/80	06/28/79 09/13/79 10/10/79	45FR26330	Revisions to the field burning regulations.
06/24/80	06/20/79 06/29/79	45FR42278	Carbon monoxide and ozone attainment plans for the Oregon portion of the Portland-Vancouver AQMA, Salem, and Medford-Ashland AQMA, and a carbon monoxide attainment plan for the Eugene-Springfield AQMA. OAR 340-20-196 and OAR 340-20-197.
06/24/80	05/06/80	45FR42278	Recodified portions of Oregon Revised Statutes 449 which authorize Oregon's automobile inspection/maintenance program, including Chapters ORS 468.360 through 468.420, 481.190, 481.200, 483.800, 483.820, and 483.825.
07/15/80		45FR47427	Revision to field burning regulations.
01/02/81	07/26/80	46FR36	Oregon DEQ operating rules for vehicle inspection and maintenance program, from Oregon Admin. Rules, Chapter 340, Sections 24-300 through 24-350. - Oregon DEQ.

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DIVISION 1

RULES OF GENERAL APPLICABILITY AND ORGANIZATION

SUBDIVISION 1

RULES OF PRACTICE AND PROCEDURE.

NOTE: Effective July 1, 1969, the Sanitary Authority was replaced by the Department of Environmental Quality, consisting of a Department and of a Commission, known as the Environmental Quality Commission. Where Sanitary Authority is presently used in these regulations, it should be noted by readers of these rules that Department of Environmental Quality should be substituted unless the context or statutes clearly require the use of Environmental Quality Commission.

11-005 PURPOSE.

The purpose of these rules is to prescribe the procedure to be followed before the Oregon State Sanitary Authority in contested cases before the Authority and involving air or water pollution, issuance or denial of permits for construction or modification of sewage treatment works and related matters, in compliance with ORS chapter 183. These rules shall be liberally construed to secure just, speedy and inexpensive determination of the issues presented.

11-010 DEFINITIONS.

Unless the context denotes otherwise, the following words used in these rules shall mean:

(1) "Agency" means the Oregon State Sanitary Authority.

(2) "Staff" means the State Sanitary Engineer and his assistants and deputies.

(3) "Petition" includes a complaint, petition, or remonstrance relative to any condition or situation that is represented to involve elements of pollution of the air or public waters of the State of Oregon.

Institution of Proceedings by Petition.

11-015 METHOD OF INSTITUTING HEARINGS.

A hearing may be instituted by the Agency on its own motion as provided in Section 11-045 or as follows:

(1) Petition by any interested person to secure a declaratory ruling by the agency on the applicability to any person, property or state of facts of any rule or statute enforceable by it. (ORS 183.410)

(2) Petition by any interested person for the promulgation, repeal or amendment of any rule by the agency. (ORS 183.390)

(3) Petition for review by any person who has had a permit for construction of a sewage system summarily revoked, denied or renewal thereof refused by the agency. (ORS 449.040)

11-020 VERIFICATION OF THE PETITION.

The petition shall be verified if in the opinion of the agency such verification appears necessary.

11-025 CONTENTS OF THE PETITION.

The petition shall be in writing, signed by, or on behalf of, the petitioner, and shall contain a detailed statement of:

(1) Ultimate facts sufficient to show the situation is entitled to the relief requested;

(2) The specific relief requested;

(3) All propositions of law to be asserted by the petitioner; and

(4) The name and address of petitioner and of any other person or persons necessary to the proceeding;

(5) In cases of complaints or remonstrances involving alleged violation of public policy as expressed in ORS 449.010 (1), the petition shall also contain a brief description of the alleged pollution, location of receiving stream or public waters, and the persons, firm, or corporation alleged to be contributing to the pollution, and the nature of the injury resulting therefrom.

11-030 FILING OF THE PETITION.

An original and 2 copies of the petition, either in typewritten or printed form, shall be filed with the agency. A petition shall be deemed filed when received by the agency. The agency shall notify the petitioner of such filing.

11-035 SERVICE OF THE PETITION, NOTICES, ORDERS.

(a) After the petition has been filed, the agency shall cause an investigation to be made by its staff. If such investigation reveals probable cause or complaint, the agency shall dispatch by registered or certified mail a true copy of the petition together with a copy of the applicable rules of practice to all necessary parties as named in the petition. Such petition shall be deemed served on the date of mailing to the last known address of the person being served. (ORS 183.060)

(b) All motions, notices, pleadings, orders and decisions shall be deemed served upon mailing by regular mail to the last known address of all other parties. (ORS 183.420)

11-040 ANSWERS, MOTIONS, AMENDMENTS AND WITHDRAWALS OF PETITIONS.

(1) Answers to petitions or other pleadings will not be required. Where no answer is filed with the agency all allegations of the petition will be deemed denied. If an answer or other pleadings are desired, they shall be served and filed in the same manner and form as provided by law. (ORS 183.390)

(2) The agency, on its own motion or motion of any interested party, may require, within ten days of the filing of the petition, that the allegations in the petition be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted, the petitioner shall be given fifteen days after notice to comply with the order of the officer in charge of the hearing. If this is not done, those allegations complained of shall be stricken. (ORS 183.390, 183.420)

(3) At any time more than ten days prior to hearing, the petitioner may amend his petition by serving a copy of the amended petition on all necessary parties and by filing 2 copies with the agency. After that time, amendment may be allowed at the discretion of the agency. (ORS 183.390)

(4) The petitioner may withdraw his petition at any time prior to hearing without prejudice. Thereafter, the petition may be withdrawn only upon approval of the agency. (ORS 183.390)

11-045 INSTITUTION OF PROCEEDINGS IN WATER POLLUTION MATTERS BY NOTICE FROM AGENCY.

(1) A hearing may be instituted by notice from the agency to any person, firm or corporation, public or private, whose sewage or waste disposal is the subject of any report made by the staff to the Sanitary Authority, or otherwise brought to the attention of the agency; or who will be affected by a proposed revocation, suspension or refusal to reissue a license, or other proposed action of the agency relating to water pollution.

(2) Contents of Notice

The notice shall be in writing, signed by the Chairman and attested by the Secretary or his assistant, and shall contain:

(a) A brief description of the alleged pollution of the public waters and the general location thereof;

(b) The proposed action to be taken by the Agency;

(c) A direction to appear and show cause at a stated time and place why such proposed order should not be entered.

(3) A copy of the report of the Sanitary Engineer, giving rise to the proceeding, shall be made available to all parties or their attorneys, at or prior to the hearing, upon request of interested parties.

(4) No formal answer need be filed, but an answer to the charge in the notice may be filed within fifteen days of service.

(5) The notice shall be served in the same manner as provided in 11-015 of these rules.

(6) If the person, firm, or corporation served with notice fail to appear, the agency may take such action as it deems advisable upon the record before it, within the purview of the notice to show cause.

Hist: Amended by SA16, filed 2/13/62

SUBDIVISION 2

CIVIL PENALTIES SCHEDULE AND CLASSIFICATION, AIR AND WATER POLLUTION AND SOLID WASTE MANAGEMENT

12-005 INTRODUCTION.

Under Chapter 420, Oregon Laws 1971, any person who violates certain statutes administered by either the Department of Environmental Quality or Regional Air Quality Authorities, or violates rules or permits adopted or issued by these agencies pertaining to the control of air or water pollution or solid waste management shall, in accordance with conditions prescribed by the Department of Environmental Quality, incur a civil penalty not to exceed $500 a day for each violation. Each and every violation is a separate and distinct offense and in case of continuing violations, every day's continuance is a separate and distinct violation. The Act provides that after considering three factors set forth therein, the Environmental Quality Commission is authorized to classify violations and adopt a schedule establishing the amount of civil penalty due for the particular violation. These three factors are:

(1) the past history of a person incurring a penalty in taking steps to correct waste control deficiencies and abate pollution;

(2) prior violations of law or permits pertaining to pollution control;

(3) the economic and financial conditions of the person incurring a penalty.

Additionally, the Department of Environmental Quality and Regional Authorities will attempt to consider these same factors in assessing the amount of a civil penalty for a particular violation within the framework of the schedule adopted by the Environmental Quality Commission.

Oregon Revised Statutes Chapter 449 require that the Department of Environmental Quality endeavor to encourage and develop the voluntary cooperation of individuals, local governments, agriculture and industry in restoring and maintaining the quality of the environment. Therefore, the schedule of civil penalties established by this regulation shall be imposed in those cases in which a violator is determined by the Department to be unresponsive and uncooperative in preventing, abating or controlling pollution or where repeated or continuing violations occur due to willful acts or failure to act, negligence or lack of adequate controls or surveillance.

12-010 NOTICE PROVISIONS.

All written notices required by the Act will be served by certified mail upon these persons designated by Oregon Revised Statutes 15.080 and Oregon Revised Statutes Chapter 57, or as otherwise provided by law.

12-015 CLASSIFICATION AND SCHEDULE FOR VIOLATION OF AIR QUALITY STATUTES, RULES, PERMITS, AND ORDERS.

Type of Violation

(1) Non-compliance with procedural or other requirements of ORS 449.702, 449.707 and 449.712 or of rules and regulations promulgated under 449.702, 449.707, 449.712, 449.785, 449.790, 449.800, or ORS 449.815, where damage to public resource or hazard to public health and safety is not directly involved, such as but not limited to:

(a) Failure to establish testing facilities or to submit samplings and testing data when requested as provided by ORS 449.702 or provided by rules adopted pursuant to ORS 449.702.

(b) Failure to register or re-register a source of air contaminant as provided by ORS 449.707 or as provided by rules adopted pursuant to ORS 449.707.

(c) Failure to submit notice of construction as provided by ORS 449.712 or as provided by rules adopted pursuant to ORS 449.712.

(2) Continuing emission or a practice inviolation of emission standards and/or rules adopted pursuant to ORS 449.785, ORS 449.800, ORS 449.890 or ORS 449.895, including but not limited to:

(a) Violation of open burning rules pertaining to residential units serving four families or less.

(b) Violation of open burning rules pertaining to residential units serving more than four families.

(c) Violation of open burning rules pertaining to non-residential sources.

(d) Violation of rules pertaining to visible emissions (except ships).

(e) Violation of rules pertaining to visible emissions from ships.

(f) Violation of rules pertaining to non-visible emission standards including but not limited to particulate matter weight standards, particulate size standard, particulate matter emission standards, sulfur dioxide, and odors.

(g) Violation of rules pertaining to emissions from portable hot mix asphalt plants or other sources which might leave or be removed from jurisdiction.

(h) Violation of a rule or permit condition not otherwise classified in this schedule.

(3) Violation of a Final Order of the Environmental Quality Commission or Regional Authority issued pursuant to ORS 449.815 and ORS 449.895.

Schedule of Civil Penalties

(1) $25 to $100 per day, after 5 days notice, the actual amount dependent upon:

(a) Past history of pollution control efforts.

(b) Prior violations.

(c) Economic and financial conditions of person incurring a penalty.

(d) Opportunity and degree of difficulty to comply.

(e) Magnitude and seriousness of violation.

(2) The penalties for the types of violation listed are subject to 5 days notice except for 2(a), 2(b), 2(c), and 2(g), the actual amount dependent upon (a) to (c) in schedule 1 preceeding:

(a) $25 to $250

(b) $25 to $500

(c) $25 to $500

(d) $25 to $500

(e) $50 to $500

(f) $25 to $500

(g) $50 to $500

(h) $25 to $500

(3) $100 to $500 per day, without prior notice, the actual amount dependent upon (a) to (e) in schedule 1 preceeding.

12-020 CLASSIFICATION AND SCHEDULE FOR VIOLATION OF WATER QUALITY CONTROL STATUTES, RULES, PERMITS AND ORDERS.

Type of Violation

(1) Non-compliance with procedural or other requirements of ORS 449.079, 449.083, 449.103, 449.105, 449.107, 449.109, 449.150, 449.320, 449.395 and 449.400; or of rules and regulations promulgated under 449.081, 449.086 and 449.111; or of waste discharge permits issued under authority of ORS 449.083, where damage to a public resource or hazard to public health and safety is not directly involved, such as but not limited to:

(a) Failure to obtain a waste discharge permit in violation of ORS 449.083.

(b) Failure to submit plans and specifications in violation of ORS 449.395.

(c) Failure to post and maintain a bond in violation of ORS 449.400.

(d) Failure to submit data, reports or other information or failure to comply with implementation schedules in violation of specific rules and regulations or specific conditions of a waste discharge permit.

(e) Violation of specific discharge limits or waste control requirements of a waste discharge permit.

(2) Continuing discharges or activities in violation of ORS 449.079, 449.083, 449.103, 449.105, 449.107, 449.109, 449.150, 449.320, or OAR Chapter 340, Division 4 or specific conditions of a waste discharge permit where:

(a) Water quality standards are violated or are directly threatened.

(b) Damage to a resource occurs or is directly threatened.

(c) Hazard to public health or safety occurs or is directly threatened.

(3) Violation of a Final Order of the Environmental Quality Commission:

Schedule of Civil Penalties

(1) $25 to $100 per day, after 5 days notice, actual amount dependent upon:

   (a) Past history of pollution control efforts.

   (b) Prior violations.

   (c) Economic and financial conditions of person incurring a penalty.

   (d) Opportunity and degree of difficulty to comply.

   (e) Magnitude and seriousness of violation.

(2) $100 to $500 per day, after 5 days notice, the actual amount dependent upon:

   (a) Past history of pollution control efforts.

   (b) Prior violations.

   (c) Economic and financial conditions of person incurring a penalty.

   (d) Opportunity and degree of difficulty to comply.

   (e) Magnitude and seriousness of violation.

(3) $100 to $500 per day, without prior notice, the actual amount dependent upon:

   (a) Past history of pollution control efforts.

   (b) Prior violations.

   (c) Economic and financial conditions of person incurring a penalty.

   (d) Opportunity and degree of difficulty to comply.

   (e) Magnitude and seriousness of violation.

12-025 CLASSIFICATION AND SCHEDULE FOR VIOLATION OF SOLID WASTE MANAGEMENT STATUTES, RULES, PERMITS AND ORDERS.

Type of Violation

(1) Non-compliance with procedural or other requirements of Chapters 648 and 699, Oregon Laws 1971 or rules and regulations promulgated or solid waste disposal permits or environmentally hazardous waste licenses issued thereunder; where damage to a public resource or hazard to public health and safety is not directly involved, such as but not limited to:

  (a) Failure to obtain a solid waste disposal permit or environmentally hazardous waste license.

  (b) Violation of specific operational or waste disposal requirements of a solid waste disposal permit or environmentally hazardous waste license.

  (c) Failure to submit data, reports, plans and specifications or other information or failure to comply with implementation schedules in violation of specific rules and regulations or specific conditions of a solid waste disposal permit or an environmentally hazardous waste license.

  (d) Failure to post and maintain a bond or liability insurance in violation of Chapter 699, Oregon Laws, 1971.

(2) Continuing non-compliance activities in violation of Chapter 648 and 699, Oregon Laws 1971 or OAR Chapter 340, Division 6 and 7 or specific conditions of a solid waste disposal permit or environmentally hazardous waste license where:

  (a) Water quality or air quality standards are violated or are directly threatened.

  (b) Damage to a resource occurs or is directly threatened.

  (c) Hazard to public health or safety occurs or is directly threatened.

(3) Violation of a Final Order of the Environmental Quality Commission.

Schedule of Civil Penalties

(1) $25 to $100 per day, after 5 days notice the actual amount dependent upon:

- (a) Past history of pollution control efforts.
- (b) Prior violations.
- (c) Economic and financial conditions of person incurring a penalty.
- (d) Opportunity and degree of difficulty to comply.
- (e) Magnitude and seriousness of violation.

(2) $100 to $500 per day, after 5 days notice, the actual amount dependent upon:

- (a) Past history of pollution control efforts.
- (b) Prior violations.
- (c) Economic and financial conditions of person incurring a penalty.
- (d) Opportunity and degree of difficulty to comply.
- (e) Magnitude and seriousness of violation.

(3) $100 to $500 per day, without prior notice the actual amount dependent upon:

- (a) Past history of pollution control efforts.
- (b) Prior violations.
- (c) Economic and financial conditions of person incurring a penalty.
- (d) Opportunity and degree of difficulty to comply.
- (e) Magnitude and seriousness of violation.

SUBDIVISION 2

CIVIL PENALTIES

12-030 DEFINITIONS.

Unless otherwise required by context, as used in this subdivision:

(1) "Commission" means the Environmental Quality Commission.

(2) "Director" means the Director of the Department or his authorized deputies or officers.

(3) "Department" means the Department of Environmental Quality.

(4) "Order" means (a) any action satisfying the definition given in ORS chapter 183 or (b) any other action so designated in ORS chapter 454, 459, 467, or 468.

(5) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.

(6) "Respondent" means the person against whom a civil penalty is assessed.

(7) "Violation" means a transgression of any statute, rule, standard, order, license, permit, compliance schedule, or any part thereof and includes both acts and omissions.

12-035 CONSOLIDATION OF PROCEEDINGS.

Notwithstanding that each and every violation is a separate and distinct offense, and in cases of continuing violation, each day's continuance is a separate and distinct violation, proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding.

12-040 NOTICE OF VIOLATION.

(1) Except as provided in subsection (3) of this section, prior to the assessment of any civil penalty the Department shall serve written notice of violation upon the respondent. Service shall be in accordance with section 11-097.

(2) A notice of violation shall specify the violation and state that the Department will assess a civil penalty if the violation continues or occurs after five days following service of the notice.

(3) (a) Written notice shall not be required where the respondent has otherwise received actual notice of the violation not less than five days prior to the violation for which a penalty is assessed.

(b) No advance notice shall be required where the water pollution, air pollution or air contamination source would normally not be in existence for five days, or where the water pollution, air pollution, or air contamination source might leave or be removed from the jurisdiction of the Department.

12-045 MITIGATING AND AGGRAVATING FACTORS.

(1) In establishing the amount of a civil penalty to be assessed, the Director may consider the following factors and shall cite those he finds applicable:

(a) Whether the respondent has committed any prior violation, regardless of whether or not any administrative, civil, or criminal proceeding was commenced therefor;

(b) The history of the respondent in taking all feasible steps or procedures necessary or appropriate to correct any violation;

(c) The economic and financial conditions of the respondent;

(d) The gravity and magnitude of the violation;

(e) Whether the violation was repeated or continuous;

(f) Whether a cause of the violation was an unavoidable accident, or negligence or an intentional act of the respondent;

(g) The opportunity and degree of difficulty to correct the violation;

(h) The respondent's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;

(i) The cost to the Department of investigation and correction of the cited violation prior to the time the Department receives respondent's answer to the written notice of assessment of civil penalty; or

(j) Any other relevant factor.

(2) In imposing a penalty subsequent to a hearing, the Commission shall consider factors (a), (b), and (c), of subsection (1) of this section, and each other factor cited by the Director. The Commission may consider any other relevant factor.

(3) Unless the issue is raised in respondent's answer to the written notice of assessment of civil penalty, the Commission may presume that the economic and financial conditions of respondent would allow imposition of the penalty assessed by the Director. At the hearing, the burden of proof and the burden of coming forward with evidence regarding the respondent's economic and financial conditions shall be upon the respondent.

Hist: Filed 9-6-74 as DEQ 78
Eff. 9-25-74

12-050 AIR QUALITY SCHEDULE OF CIVIL PENALTIES.

In addition to any liability, duty, or other penalty provided by law, the Director, or the director of a regional air quality control authority, may assess a civil penalty for any violation pertaining to air quality by service of a written notice of assessment of such civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for violation of an order of the Commission, Department, or regional air quality control authority.

(2) Not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) for any violation which causes, contributes to, or threatens the emission of an air contaminant into the outdoor atmosphere.

(3) Not less than twenty-five dollars ($25) nor more than three hundred dollars ($300) for any other violation.

Hist: Filed 9-6-74 as DEQ 78
Eff. 9-25-74

12-055 WATER POLLUTION SCHEDULE OF CIVIL PENALTIES.

In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation relating to water pollution by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(1) Not less than fifty dollars ($50) nor more than ten thousand dollars ($10,000) for:

(a) A violation of an order of the Commission or Department:

(b) A violation of a State Waste Discharge Permit or National Pollutant Discharge Elimination System (NPDES) permit;

(c) Any violation which causes, contributes to, or threatens the discharge of a waste into any waters of the state.

(2) Not less than twenty-five dollars ($25) nor more than seven thousand five hundred dollars ($7,500) for any other violation.

(3) (a) In addition to any penalty which may be assessed pursuant to subsections (1) and (2) of this section, any person who intentionally causes or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than one thousand dollars ($1,000) nor more than twenty thousand dollars ($20,000) for each violation.

(b) In addition to any penalty which may be assessed pursuant to subsections (1) and (2) of this section, any person who negligently casues or permits the discharge of oil into the waters of the state shall incur a civil penalty of not less than five hundred dollars ($500) nor more than fifteen thousand dollars ($15,000) for each violation.

Hist: Filed 9-6-74 as DEQ 78
Eff. 9-25-74

SUBDIVISION 3

WILDERNESS, RECREATIONAL AND SCENIC AREA RULES

Environmental Standards for Wilderness Areas.

13-005 STATEMENT OF POLICY.

Wilderness areas represent a natural resource of unique importance. Congress has protected such areas by enacting the Wilderness Act, P.L. 88-577, 16 U.S.C. Sec. 1131, et seq. Those wilderness areas located within the geographical limits of the State are a major part of the cultural heritage of the citizens of Oregon and are a key element in developing and maintaining tourism and recreation as a viable industry. Thus, the environment of wilderness areas is deserving of the highest level of protection and safeguarding by the State in order to preserve Oregon's unique primitive and natural land areas. The wilderness Act allows certain activities in wilderness areas. Most of these have minimal present impact on the environment. However, mining and some other activities allowed by the Wilderness Act pose a serious threat of substantial harm to the unique environment of wilderness areas.

Therefore, it is declared to be the policy and purpose of the Department of Environmental Quality to maintain the environment of wilderness areas essentially in a pristine state and as free from air, water, and noise pollution as is practically possible and to permit its alteration only in a manner compatible with recreational use and the enjoyment of the scenic beauty and splendor of these lands by the citizens of Oregon and of the United States.

13-010 DEFINITIONS.

As used in these rules, unless otherwise required by context:

(1) "Commission" means the Environmental Quality Commission.

(2) "Department" means the Department of Environmental Quality.

(3) "Opacity" means the degree to which emissions reduce the transmission of light or obscure the view of an object in the background.

(4) "Wilderness Area" means an area designated as wilderness by the Congress of the United States pursuant to Public Law 88-577, 16 U.S.C., Sec. 1131, et seq.

(5) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.

13-015 EMISSION PERMIT REQUIREMENTS.

After the effective date of these rules:

(1) No person shall commence or initiate any activity other than emergency or recreational in a wilderness area which causes the emission of air contaminants, water pollutants or noise in excess of the standards set forth in Section 13-020 subsection (1) of these rules without first applying for and receiving a permit from the Department.

(2) The permit shall be in addition to and not in lieu of other permit requirements of federal, state or local governments.

(3) Application for the permit shall be made on form supplied by the Department. The application shall be made no less than 90 days prior to the proposed date of commencing the activity.

(4) An application for a permit may be considered at a public hearing before the Commission or its authorized representative. At least 20 days' notice of the hearing shall be provided to the applicant and to any other interested person who has requested notice.

(5) The Commission shall consider the testimony, data and views presented at the public hearing and either approve or disapprove a permit for the proposed activity according to its evaluation of whether the air, water and noise emissions from the activity are consistent with the policy and enviornmental standards as set forth in Section 13-005 and 13-020 of these rules.

(6) Any permit issued for an activity within a wilderness shall be properly conditioned to achieve the policy objectives and environmental standards of Sections 13-005 and 13-020 of these rules and may be modified by the Department after a hearing before the Commission or its authorized representative.

13-020 ENVIRONMENTAL STANDARDS.

(1) Except as provided in subsection (2) of this section, no person engaged in an activity other than emergency or recreational within a wilderness area shall:

(a) Cause, suffer, allow, or permit any emission of air contaminants greater than 5% opacity.

(b) Discharge any waste into waters or conduct any activity which causes or is likely to cause:

(A) Any measurable increase in color, turbidity, temperature or bacterial contamination;

(B) Any measurable decrease in disolved oxygen;

(C) Any change in hydrogen ion concentration (pH); or

(D) Any toxic effect on natural biota.

(c) Cause, suffer, allow or permit the emission of noise which causes the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source.

(2) Subject to the permit requirements in Section 13-015, the Department may permit the emission of air contaminants greater than 5% opacity, but not to exceed 10% opacity and noise from any source or sources causing the maximum ambient sound pressure level to exceed 50 dbA at any point at least 50 feet from any source, but not to exceed 75 dbA at such distance.

13-025 PENALTIES.

In addition to and not in lieu of any other judicial redress, a person violating these rules shall be subject to criminal prosecution as provided by Oregon Law.

13-030 NATIONAL EMERGENCY.

The Governor of Oregon may suspend these rules for the duration of any national emergency.

13-035 NEW WILDERNESS AREAS.

These rules shall not apply to any wilderness area established after January 1, 1972 by the United States until a public hearing on the possible application of these or other rules thereto shall have first been held by the Commission.

DIVISION 2

AIR POLLUTION CONTROL

GENERAL

20-001 HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL REQUIRED.

Notwithstanding the general and specific emission standards and regulations contained in this division, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of new sources of air contamination, particularly those located in areas with existing high air quality, the degree of treatment and control provided shall be such that degradation of existing air quality is minimized to the greatest extent possible.

Hist: 2-15-72 as DEQ 37

20-003 EXCEPTIONS.

Except as provided in ORS 449.840, the provisions of these rules do not apply to:

(1) Agricultural operations and the growing or harvesting of crops and the raising of fowl and animals;

(2) Use of equipment in agricultural operations in the growth of crops or the raising of fowl or animals;

(3) Barbeque equipment used in connection with any residence.

(4) Agricultural land clearing operations or land grading.

(5) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families; or

(6) Fires set or permitted by any public officer, board, council, or commission when such fire is set or permission given in the performance of such duty of the officer for the purpose of weed abatement, the prevention or elimination of a fire hazard, or the construction of employees in the methods of fire fighting, which is

in the opinion of such officer necessary, or from fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

Hist: Amended 2-15-72 by DEQ 37

REGISTRATION

20-005 REGISTRATION IN GENERAL.

The following air contaminant sources, not under the jurisdiction of a regional air pollution control authority, shall register with the Department no later than March 1, 1971 and annually thereafter as required by this section:

(1) Aluminum Reduction plants
(2) Hot Mix Asphalt plants
(3) Rendering plants
(4) Kraft and sulfite pulp mills
(5) Installations operating wigwam waste burners
(6) Plywood, particleboard and fiberboard plant sites
(7) Open burning refuse disposal sites receiving more than 500 tons/year of refuse
(8) Thermal-electric power generating plants

Other contaminant sources shall register with the Department when so requested.

20-010 REGISTRATION REQUIREMENTS.

(1) Registration shall be completed within 30 days following the mailing date of the request by the Department.

(2) Registration shall be made on forms furnished by the Department and completed by the owner, lessee of the source, or agent.

(3) The following information shall be reported by registrants:

  (a) Name, address and nature of business.

  (b) Name of local person responsible for compliance with these rules.

  (c) Name of person authorized to receive requests for data and information.

  (d) A description of the production processes and related flow chart.

  (e) A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commercial property.

(f) Type and quantity of fuels used.

(g) Amount, nature and duration of air contaminant emissions.

(h) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions.

(i) Amount and method of refuse disposal.

20-015 RE-REGISTRATION.

(1) Once a year upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished to the Department.

(2) Any change in any of the factual data reported under Section 20-010 (3) shall be reported to the Department, at which time re-registration may be required on forms furnished by the Department.

NOTICE OF CONSTRUCTION AND APPROVAL OF PLANS

20-020 REQUIREMENT.

No person shall construct, install, or establish a new source of air contaminant emission of any class listed in Subsection 20-025 (1) and not under the jurisdiction of a regional air quality control authority without first notifying the Department in writing.

20-025 SCOPE.

(1) This regulation shall apply to the following classes of sources of air contaminant emissions:

(a) Air pollution control equipment
(b) Fuel burning equipment rated at 400,000 BTU per hour or greater
(c) Refuse burning equipment rated at 50 pounds per hour or greater
(d) Open burning operations
(e) Process equipment having emissions to the atmosphere
(f) Such other sources as the Department may determine to be potentially significant sources of air contamination.

(2) New construction, installation or establishment includes:

(a) Addition to or enlargement or replacement of an air contamination source.
(b) A major alteration or modification of an air contamination

source that may significantly affect the emission of air contamination.

Hist: Amended 2-15-72 by DEQ 37

20-030 PROCEDURE.

(1) Notice of Construction. Any person intending to construct, install, or establish a new source of air contaminant emissions of a class listed in Subsection 20-025 (1) shall notify the Department in writing on a form supplied by the Department.

(2) Submission of Plans and Specifications. The Department may within 30 days of receipt of a Notice of Construction require the submission of plans and specifications for air pollution control equipment and facilities and their relationship to the production process. The following information may also be required.

(a) Name, address and nature of business.

(b) Name of local person responsible for compliance with these rules.

(c) Name of person authorized to receive requests for data and information.

(d) A description of the production processes and a related flow chart.

(e) A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commerical property.

(f) Type and quantity of fuels used.

(g) Amount, nature and duration of air contaminant emissions.

(h) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions.

(i) Amount and method of refuse disposal.

The Department may require corrections and revisions to the plans and specifications to insure compliance with applicable rules, orders and statutes.

(3) Notice of Approval.

(a) The Department shall upon determining that the proposed construction is in the opinion of the Department in accordance with the provisions of applicable rules, order, and statutes, notify the person concerned that construction may proceed.

(b) A Notice of Approval to proceed with construction shall not relieve the owner of the obligation of complying with applicable emission standards and orders.

(4) Order Prohibiting Construction.

(a) If within 60 days of receipt of the items set forth in subsection 20-030 (2) the Environmental Quality Commission determines that the proposed construction is not in accordance with applicable statutes, rules, regulations and orders, it shall issue an order prohibiting the construction, installation or establishment of the air contamination source. Said order is to be forwarded to the owner by certified mail.

(b) Failure to issue such order within the time prescribed herein shall be considered a determination that the proposed construction, installation, or establishment may proceed, provided that it is in accordance with plans, specifications, and any corrections or revisions thereto, or other information, if any, previously submitted, and provided further that it shall not relieve the owner of the obligation of complying with applicable emission standards and orders.

(5) Hearing. Pursuant to law, a person against whom an order prohibiting construction is directed may within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, state the grounds for hearing, and be mailed to the Director of the Department of Environmental Quality. The hearing shall be conducted pursuant to the applicable provisions of the ORS Chapter 183.

(6) Notice of Completion. Within thirty (30) days after any person has constructed an air contamination source as defined under subsection 20-010(1), he shall so report in writing on a form furnished by the Department, stating the date of completion of construction and the date the source was or will be put in operation.

20-032 COMPLIANCE SCHEDULES.

(1) The Department shall attempt to encourage voluntary cooperation of all persons responsible for an air contamination source, as defined by ORS 449.760 (5). To facilitate this cooperation and provide for a progressive program of air pollution control, the Department may negotiate with such persons a schedule of compliance. The schedule will set forth the dates and terms and conditions by which the person responsible for an air contamination source shall cpmply with applicable air quality rules or statutes.

(a) The schedule may be in lieu of a hearing and shall be in writing and signed by the Director of the Department or his designated officer and an authorized agent of the person responsible for the air contamination source. After the schedule is executed by both parties, it shall be confirmed by order of the Department.

(b) Compliance schedules providing for final compliance at a date later than 18 months from the date of execution shall contain requirements for periodic reporting and increments of progress toward compliance, at intervals of less than 18 months.

(c) No compliance schedule shall allow emissions on a permanent bases in excess of applicable standards and rules.

(2) In the event a negotiated schedule of compliance cannot be established, the Department may set a show cause hearing as provided by ORS 449.815, at a date and time designated as to why an order implementing a schedule proposed by the Department should not be adopted, or take such other authorized action as may be warranted.

Hist: Filed 2-15-72 as DEQ 37

SAMPLING, TESTING AND MEASUREMENT OF AIR CONTAMINANT EMISSIONS.

20-035 PROGRAM.

As part of its coordinated program of air quality control and preventing and abating air pollution, the Department of Environmental Quality may:

(1) Require any person responsible for emissions of air contaminants to make or have made tests to determine the type, quantity, quality, and duration of the emissions from any air contamination source.

(2) Require full reporting of all test procedures and results furnished to the Department in writing and signed by the person or persons responsible for conducting tests.

(3) Require continual monitoring of specified air contaminant emissions and periodic, regular reporting of the results of such monitoring.

20-040 METHODS.

(1) Any sampling, testing or measurement performed under this regulation shall conform to methods on file at the Department of Environmental Quality or to recognized applicable standard methods approved in advance by the Department.

(2) The Department may approve any alternative method of sampling provided it finds that the proposed method is satisfactory and complies with the intent of these regulations and is at least equivalent to the uniform recognized procedures in objectively and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate and applicable to the program.

20-045 DEPARTMENT TESTING.

The Department, instead of requesting tests and sampling of emissions from the person responsible for an air contamination source, may conduct such tests alone or in conjunction with said person. If the testing or sampling is performed by the Department, a copy of these results shall be provided to the person responsible for the air contaminantion source.

20-047 "STATE OF ORGEON CLEAN AIR ACT, IMPLEMENTATION PLAN."

This implementation plan, including rules and standards prepared by the Department of Environmental Quality is adopted as the implementation plan of the State of Oregon pursuant to the Federal Clean Air Act, as amended.

Hist: Filed 2-3-72 as DEQ 35

PARKING FACILITIES AND HIGHWAYS IN URBAN AREAS.

20-050 DEFINITIONS.

As used in this regulation, unless otherwise required by context:

(1) "Parking facility" means any lot, structure, building or portion thereof, used primarily for the temporary storage of 50 or more motor vehicles, or having two or more levels of parking for motor vehicles.

(2) "Highway" means any freeway, expressway, or portion thereof.

20-055 STATEMENT OF POLICY.

In adopting this regulation, the Environmental Quality Commission declares major parking facilities and highways in urban areas to be an air contamination source as defined in ORS 449.760(5), by virtue of the fact that such facilities are a source by reason of which air contaminants are emitted to the atmosphere, by motor vehicles drawn to the vicinity of the parking facility or highway.

As an air contamination source, parking facilities and highways fall within the purview of ORS 449.712, and persons proposing to construct or substantially modify a new parking facility or highway may therefore be required to submit plans and secure the approval of the Department of Environmental Quality prior to commencing construction.

The Commission further declares it to be contrary to the public policy of the State of Oregon, as set forth in ORS 449.765, for parking facilities and highways to be constructed in urban areas without full recognition being given to the environmental impact of such facilities, including the degree to which such facilities may affect; (1) the ability of the State to achieve and maintain acceptable air quality and noise levels; (2) the development of low-polluting transportation systems; and (3) the general quality of life in urban areas.

(1) It is therefore the policy of the Environmental Quality Commission:

To allow only those parking facilities and highways to be built which are consistent with environmentally sound transportation plans, and which do not interfere with attaining and maintaining acceptable air quality, noise levels and quality of life in urban areas.

(2) To promote the development of comprehensive transportation plans in urban areas in which environmental considerations play a major role, and specifically to promote the development of mass transit systems wherever feasible.

(3) To require persons proposing to construct, enlarge, or substantially modify any major parking facility or highway in certain urban areas to submit detailed plans, specifications, and professionally prepared environmental impact studies prior to commencing construction.

(4) To provide for significant involvement by regional air pollution authorities in the review of proposed new parking structures and highways in regional areas, while maintaining final responsibility for decision-making with the Environmental Quality Commission.

(5) To the greatest extent practicable, to provide for public announcement of proposed construction submitted for review, and to hold public hearings when it is deemed in the public interest to do so.

20-060 APPLICABILITY.

The provisions of this regulation shall apply within, or within five (5) miles of, the municipal boundaries of any city having a population of 50,000 or greater.

20-065 REQUIREMENTS.

(1) No person shall construct any new parking facility or highway, or substantially enlarge or otherwise modify any existing parking facility or highway, in any area of the State set forth in Section 20-060, without first notifying the responsible regional authority.

(2) The regional authority may, within 30 days of notification of an intent to construct, request submission of the following materials as a condition precedent to construction:

(a) Plans and specifications of the proposed parking facility or highway, to the extent such plans are necessary for evaluation of environmental impact.

(b) A statement, prepared by a qualified professional engineer, architect, or planner, describing in objective quantitative terms the probable impact of the proposed construction upon:

(A) Motor vehicle usage and air contaminant emissions in the affected urban area;

(B) Development of mass transit and other public transportation systems;

(C) Development of, or compatibility with, a comprehensive urban transportation plan in the affected area.

(3) The regional authority shall, within 21 days of receipt of the items set forth in Subsection 20-065(2), forward them to the Department of Environmental Quality with a recommendation for action.

(4) The Department shall, upon determining that the proposed construction is compatible with the Statement of Policy set forth in Section 20-055 of this regulation, notify the person concerned that construction may proceed.

(5) If within 60 days of receipt by the regional authority of the items set forth in Subsection 20-065(2) the Department determines that the proposed construction is not in accordance with the Statement of Policy set forth in Section 20-055, it shall issue an order prohibiting construction of the parking facility or highway.

20-070 PUBLIC HEARING.

Pursuant to law, any person against whom an order prohibiting construction is directed may within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, state the grounds for the hearing, and be mailed to the Director of the Department of Environmental Quality. Reasonable public notice shall be given, and the general public shall be allowed to present testimony at the hearing, to be held pursuant to the applicable provisions of ORS Chapter 183.

SUBDIVISION 1

Special Permit Requirements for Sources Locating in or Near Nonattainment Areas

340-20-190

Applicability in Nonattainment Areas

OAR 340-20-190 to 340-20-192 shall apply to proposed major new or modified carbon monoxide (CO) or Volatile Organic Compounds (VOC) sources in nonattainment areas.

340-20-191

Definitions

As used in OAR 340-20-190 to 340-20-192, unless otherwise required by context:

1) "Alternative Analysis" means an analysis conducted by the proposed source which considers alternative sites, sizes, production processes and environmental control techniques and which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of the project.

2)(a) "LAER" means the rate of emissions which reflects:

(A) The most stringent emission limitations which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

(B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-535).

3) "Major New or Modified Source" means any stationary source which emits or has the potential to emit one hundred tons per year or more of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the potential to emit emissions of any criteria air pollutant one hundred tons per year or more over previously permitted limits.

4) "Nonattainment Area" means, for any air pollutant the actual area, as shown in Figures 1 through 7, in which such pollutant exceeds any national ambient air quality standard.

5) "Potential to emit" means the maximum capacity to emit a pollutant absent air pollution control equipment which is not intrinsically vital to the production or operation of the source.

6) "Reasonable Further Progress" means annual incremental reductions in emission of the applicable air pollutant identified in the SIP which are sufficient to provide for attainment of the applicable national ambient air quality standard by the date required in the SIP.

7) "SIP" means the Oregon State Implementation Plan submitted to and approved most recently by the EPA pursuant to the Clean Air Act.

8) "Proposed for Construction" means that the owner or operator of a major stationary source or major modification has applied for a permit from the Department after July 1, 1979.

340-20-192

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in a nonattainment area only if the following requirements are met:

1) There is a sufficient emission growth increment available which is identified in the adopted state plan or an emission offset is provided such that the reasonable further progress commitment in the SIP is still met. The EPA Offset Ruling of January 16, 1979, (40 CFR Part 51 Appendix S) will be used as a guide in identifying specific offset requirements.

2) The proposed source is required to comply with the LAER. Only the increments of change above the 100 ton/year potential increase of the modified source are required to comply with LAER.

3) The owner or operator has demonstrated that all major stationary sources owned or operated by such person in the State of Oregon are in compliance or on a compliance schedule with applicable requirements of the adopted state plan.

4) An alternative analysis is made for major new or modified sources of carbon monoxide or volatile organic compounds.

340-20-193

Applicability in Attainment Areas

OAR 340-20-193 to 340-20-195 shall apply as noted to proposed major new or modified sources located in attainment areas that would have allowable emissions greater than 50 tons/year of CO or VOC which may impact a non-attainment area. (It should be noted that for sources emitting less than

50 tons/year of an air pollutant that OAR 340-20-001 still requires application of highest and best practicable treatment and control and OAR 340-31-010 provides for denial of construction should such a source prevent or interfere with attainment or maintenance of ambient air quality standards.)

340-20-194

Definitions

As used in OAR 340-20-193 to 340-20-195, unless otherwise required by context:

1. "Major New or Modified Source" means any stationary source which has allowable emission greater than fifty tons per year of CO or VOC and is proposed for construction after July 1, 1979. The term "modified" means any single or cumulative physical change or change in the method of operation which increases the emissions of any criteria air pollutant more than fifty tons per year over previously permitted limits.

2) "Alternative Analysis," "LAER," "Nonattainment Area," "Reasonable Further Progress," and "SIP" have the same meanings as provided in OAR 340-20-191.

340-20-195

Requirements

A construction and operating permit may be issued to a major new or modified source proposing to locate in an attainment area only if one of the following requirements are met:

1) The emissions from the proposed source are modeled to have an impact on all non-attainment areas equal to or less than the significance levels listed in the table in 340-20-195(3), and or

2) The requirements of 340-20-192 are met if the emissions from the proposed source are modeled to have an impact on the non-attainment area greater than the significance levels of the table in 340-20-195(3).

340-20-195(3) Table of Significance Levels

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
CO	-	-	0.50 mg/m^3	-	2.0 mg/m^3
Ozone	-	-	-	-	8.0 ug/m^3

340-20-196

Emission Limitations on a Plant Site Basis

The purpose of OAR 340-20-196 to 340-20-197 is to insure that emissions from sources located anywhere in the state are limited to levels consistent with State Implementation Plan data bases, control strategies, overall airshed carrying capacity, and programs to prevent significant deterioration.

DEFINITIONS

As used in OAR 340-20-196 to 340-20-197, unless otherwise required by context:

1) "Facility" means an identifiable piece of process equipment. A source may be comprised of one or more pollutant-emitting facilities.

2) "Source" means any structure, building, facility, equipment, installation or operation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person, or by persons under common control.

340-20-197

For the purposes set forth in OAR 340-20-196, the Department may limit by permit condition the amount of air contaminants emitted from a source. This emission limitation shall take the form of limiting emissions on a mass per unit time basis including an annual kilograms per year limit and may also include a monthly and daily limit.

EMISSION STANDARDS AND REGULATIONS

SUBDIVISION 1

GENERAL EMISSION STANDARDS FOR PARTICULATE MATTER.

21-005 DEFINITIONS.

(1) "Existing source" means any air contaminant source in existence prior to June 1, 1970.

(2) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

(3) "New source" means any air contaminant source installed, constructed, or modified after June 1, 1970.

(4) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background.

(5) "Particulate matter" means any matter, except uncombined water, which exists as a liquid or solid at standard conditions.

(6) "Refuse" means unwanted matter.

(7) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

(8) "Ringelmann Smoke Chart" means the Ringelmann Smoke Chart with instructions for use as published in May, 1967, by the U.S. Dept. of Interior, Bureau of Mines.

(9) "Standard conditions" means a temperature of 60° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

(10) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "Standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.

20-010 SPECIAL CONTROL AREAS.

The following areas of the State are established as Special Control Areas, and are deemed applicable to these Regulations and to Emission

Standards for Industrial Processes.

(1) Willamette Valley, defined as all areas within counties of the State under the jurisdiction of a regional air pollution control authority as of June 1, 1970, including:

  (a) The Columbia-Willamette Air Pollution Authority, which includes the counties of Clackamas, Columbia, Multnomah and Washington.

  (b) The Mid-Willamette Valley Air Pollution Authority, which includes the counties of Benton, Linn, Marion, Polk and Yamhill;

  (c) Lane Regional Air Pollution Authority, which includes Lane County.

(2) Umpqua Basin, defined as the area bounded by the following line: Beginning at the SW corner of Sec. 2, T19S, R9W,. on the Douglas-Lane County lines and extending due South to the SW corner of Sec. 14, T32S., R9W,. on the Douglas-Curry County lines, thence Easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine and Jackson County lines; thence Easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Sec. 32, T32S, R3W., thence Northerly on the Umpqua National Forest boundary to the NE corner of Sec. 36, T25S, R2W, thence West to the NW corner of Sec. 36, T25S, R4W, thence North to the Douglas-Lane County line, thence Westerly on the Douglas-Lane County line to the starting point.

(3) Rogue Basin, defined as the area bounded by the following line: Beginning at the NE corner of T32S, R2E, M.W.; thence South along Range line 2 E to the SE corner of T39S; thence West along Township line 39S to the NE corner of T40S, R7W; thence South to the SE corner of T40S, R7W; thence West to the SE corner of T40S, R9W; thence North on Range line 9W to the NE corner of T39S, R9W; thence East to the NE corner of T39S, R8W; thence North on Range Line 8W to the SE corner of Sec. 1, T33S, R8W on the Josephine-Douglas County Line; thence East on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence East along Township line 32S to the NE corner of T32S, R2E, to the point of beginning.

Standards for Industrial Processes.

(1) Willamette Valley, defined as all areas within counties of the State under the jurisdiction of a regional air pollution control authority as of June 1, 1970, including:

(a) The Columbia-Willamette Air Pollution Authority, which includes the counties of Clackamas, Columbia, Multnomah and Washington.

(b) The Mid-Willamette Valley Air Pollution Authority, which includes the counties of Benton, Linn, Marion, Polk and Yamhill;

(c) Lane Regional Air Pollution Authority, which includes Lane County.

(2) Umpqua Basin, defined as the area bounded by the following line: Beginning at the SW corner of Sec. 2, T19S, R9W,. on the Douglas-Lane County lines and extending due South to the SW corner of Sec. 14, T32S., R9W,. on the Douglas-Curry County lines, thence Easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine and Jackson County lines; thence Easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Sec. 32, T32S, R3W., thence Northerly on the Umpqua National Forest boundary to the NE corner of Sec. 36, T25S, R2W, thence West to the NW corner of Sec. 36, T25S, R4W, thence North to the Douglas-Lane County line, thence Westerly on the Douglas-Lane County line to the starting point.

(3) Rogue Basin, defined as the area bounded by the following line: Beginning at the NE corner of T32S, R2E, M.W.; thence South along Range line 2 E to the SE corner of T39S; thence West along Township line 39S to the NE corner of T40S, R7W; thence South to the SE corner of T40S, R7W; thence West to the SE corner of T40S, R9W; thence North on Range line 9W to the NE corner of T39S, R9W; thence East to the NE corner of T39S, R8W; thence North on Range Line 8W to the SE corner of Sec. 1, T33S, R8W on the Josephine-Douglas County Line; thence East on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence East along Township line 32S to the NE corner of T32S, R2E, to the point of beginning.

(4) Within incorporated cities having a population of four thousand (4000) or more, and within three (3) miles of the corporate limits of any such city.

21-015 VISIBLE AIR CONTAMINANT LIMITATIONS.

(1) Existing Sources Outside Special Control Areas. No person shall cause, suffer, allow, or permit the emission of any air contaminant into the atmosphere from any existing air contaminant source located outside a Special Control Area for a period or periods aggregating more than 3 minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, or

(b) Equal to or greater than 40% opacity.

(2) New Sources in All Areas and Existing Sources Within Special Control Areas: No person shall cause, suffer, allow, or permit the emission of any air contaminant into the atmosphere from any new air contaminant source, or from any existing source within a Special Control Area, for a period or periods aggregating more than 3 minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, or

(b) Equal to or greater than 20% opacity.

(3) Exceptions to 21-015(1) and 21-015(2).

(a) Where the presence of umcombined water is the only reason for failure of any emission to meet the requirements of Sections 21-015 (1) and 21-015 (2), such sections shall not apply.

(b) Existing fuel burning equipment utilizing wood wastes and located within Special Control Areas shall comply with the emission limitations of Subsection 21-015 (1) in lieu of Subsection 21-015 (2).

21-020 FUEL BURNING EQUIPMENT LIMITATIONS.

No person shall cause, suffer, allow, or permit the emission of particulate matter, from any fuel burning equipment in excess of:

(1) 0.2 grain per standard cubic foot for existing sources; or

(2) 0.1 grain per standard cubic foot for new sources.

21-025 REFUSE BURNING EQUIPMENT LIMITATIONS.

No person shall cause, suffer, allow, or permit the emission of particulate matter from any refuse burning equipment in excess of:

(1) For equipment designed to burn 200 pounds of refuse per hour or less, 0.3 grain per standard cubic foot; or

(2) For equipment designed to burn more than 200 pounds of refuse per hour;

  (a) 0.2 grain per standard cubic foot for existing sources; or

  (b) 0.1 grain per standard cubic foot for new sources.

21-030 PARTICULATE EMISSION LIMITATIONS FOR SOURCES OTHER THAN FUEL BURNING AND REFUSE BURNING EQUIPMENT.

(1) No person shall cause, suffer, allow or permit the emission of particulate matter, from any air contaminant source other than fuel burning equipment or refuse burning equipment, in excess of:

  (a) 0.2 grains per standard cubic foot for existing sources; or

  (b) 0.1 grains per standard cubic foot for new sources.

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PARTICULATE EMISSIONS FROM PROCESS EQUIPMENT.

21-035 APPLICABILITY.

This regulation shall apply to all industrial processes other than those for which specific emission standards have been adopted. Also excluded are fuel burning and refuse burning equipment in which combustion gases do not mix directly with process materials.

21-040 EMISSION STANDARD.

No person shall cause, suffer, allow or permit the emission of particulate matter in any one hour from any process in excess of the amount shown in Table I, for the process weight rate allocated to such process.

21-045 DETERMINATION OF PROCESS WEIGHT.

(1) Process weight per hour is the total weight of all materials introduced into any specific process, which process may cause any discharge of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or

batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight by a typical period of time.

(2) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for the allowable emission shall apply.

Table I

Particulate Matter Emissions Standards for Process Equipment

Process Lbs/Hr	Emission Lbs/Hr	Process Lbs/Hr	Emission Lbs/Hr	Process Lbs/Hr	Emission Lbs/Hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.80
1600	3.66	4800	6.52	140000	49.00
1700	3.79	4900	6.60	160000	51.20
1800	3.91	5000	6.67	200000	69.00
1900	4.03	5500	7.03	1000000	77.60
2000	4.14	6000	7.37	2000000	92.70
2100	4.24	6500	7.71	6000000	
2200	4.34	7000	8.05		

Interpolation and extrapolation of the data for process unit weight rates in excess of 60,000 lb/hr shall be accomplished by the use of the equation:

$E = 55.0P^{0.11} - 40$, where E = rate of process unit emission in lb/hr and P = process weight in tons/hr.

FUGITIVE EMISSIONS

21-050 DEFINITIONS.

As used in this regulation, unless otherwise required by context:

(1) "Fugitive emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.

(2) "Nuisance conditions" means unusual or annoying amounts of fugitive emissions traceable directly to one or more specific sources. In determining whether a nuisance condition exists, consideration shall be given to all of the circumstances, including density of population, duration of the activity in question, and other applicable factors.

21-055 APPLICABILITY.

This regulation shall be applicable:

(1) Within Special Control Areas, as defined in OAR Chapter 340, Subdivision (1), Section 21-010.

(2) When ordered by the Department, in other areas when the need for application of the regulation, and the practicability of control measures, have been clearly demonstrated.

21-060 REQUIREMENTS.

(1) When fugitive emissions escape from a building or equipment in such a manner and amount as to create nuisance conditions or to violate any regulation, the Department may, in addition to other means of obtaining compliance, order that the building or equipment in which processing, handling, and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air.

(2) No person shall cause, suffer, allow or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated without

taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces which can create airborne dusts;

(c) Full or partial enclosure of materials stockpiles in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(d) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;

(e) Adequate containment during sandblasting or other similar operations;

(f) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material which does or may become airborne.

UPSET CONDITIONS

21-065 INTRODUCTION.

Emission of air contaminants in excess of applicable standards as a result of scheduled maintenance or equipment breakdown shall not be considered a violation of said standards provided the conditions of sections 21-070 and 21-075 are met.

21-070 SCHEDULED MAINTENANCE.

(1) In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Department at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(d) Measures, such as the use of off-shift labor and equipment, that will be taken to minimize the length of the shutdown period, and where practical, minimize air contaminant emissions.

(e) The reasons that it would be impractical to shutdown the source operation during the maintenance period.

(2) Additionally, in the case of maintenance scheduled more frequently than one time in a 90 day period, requiring shutdown of air pollution control equipment, or for any maintenance requiring shutdown of air pollution control equipment for a time period longer than 48 hours, prior approval of the maintenance program may be required by the Department. Application for approval shall be submitted in writing within 30 days after a request by the Department and shall include, in addition to items (a) through (e) in subsection (1) above, specific information as to the frequency and the necessity of the scheduled maintenance. Approval of the program by the Department shall be based upon a determination that the proposed maintenance schedule is necessary and that all reasonable precautions have been taken to minimize the extent and frequency of air contaminant emissions in excess of applicable standards.

(3) No scheduled maintenance resulting in the emission of air contaminants in violation of applicable standards shall be performed during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared.

21-075 MALFUNCTION OF EQUIPMENT.

In the event that any emission source, air pollution control equipment or related facility malfunctions or breaks down in such a manner as to cause the emission of air contaminants in violation of applicable standards, the person responsible for such equipment shall:

(1) Notify the Department, by telephone or in person, of such failure or breakdown within 1 hour of the occurrence, or as soon as is reasonably possible, giving all pertinent facts including the estimated duration of the breakdown.

(2) With all practicable speed, initiate and complete appropriate action to correct the conditions, and to reduce the frequency of such occurrences.

(3) Cease or discontinue operation of the equipment or facility no later than 48 hours after the beginning of the breakdown or upset period if the malfunction is not corrected within that time. The Director may, for good cause shown, which shall include but not be limited to, equipment availability, difficulty of repair or installation, and nature and amount of the emission, authorize the extenstion of the operation period beyond 48 hours under this subsection for a reasonable period of time as determined by him to be necessary to correct the malfunction or breakdown.

(4) In the event an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency is declared, or in the event the nature or magnitude of emissions from malfunctioning equipment is deemed by the Department to present an imminent and substantial endangerment to health, immediately proceed to cease or discontinue operation of the equipment or facility.

(5) Notify the Department when the condition causing the failure or breakdown has been corrected, and upon request, submit a written statement of the causes and the action taken to prevent future similar upset or breakdown conditions.

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SUBDIVISION 2

GENERAL GASEOUS EMISSIONS

SULFUR CONTENT OF FUELS

22-005 DEFINITIONS.

As used in these regulations, unless otherwise required by context:

(1) "ASTM" means the American Society for Testing and Materials.

(2) "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

(3) "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

22-010 RESIDUAL FUEL OILS.

(1) After July 1, 1972, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 2.5 percent sulfur by weight.

(2) After July 1, 1974, no person shall sell, distribute, use, or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

22-015 DISTILLATE FUEL OILS.

After July 1, 1972, no person shall sell, distribute, use, or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

(1) ASTM Grade 1 fuel oil - 0.3 percent by weight.

(2) ASTM Grade 2 fuel oil - 0.5 percent by weight.

22-020 COAL.

After July 1, 1972, no person shall sell, distribute, use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

22-025 EXEMPTIONS.

Exempted from the requirements of Sections 22-010, 22-015 and 22-020 above are:

(1) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor

vehicles.

(2) With prior approval of the Department of Environmental Quality, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of Sections 22-010, 22-015, and 22-020.

GENERAL EMISSION STANDARDS FOR SULFUR DIOXIDE.

22-050 DEFINITIONS.

As used in this regulation, unless otherwise required by context:

(1) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

(2) "New source" means any air contaminant source installed, constructed, or modified after January 1, 1972.

22-055 FUEL BURNING EQUIPMENT.

The following emission standards are applicable to new sources only:

(1) For fuel burning equipment having more than 150 billion BTU per hour heat input, but not more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

(a) 1.4 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

(b) 1.6 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

(2) For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

(a) 0.8 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

(b) 1.2 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

General Emission Standards for Volatile Organic Compounds

These rules regulate sources of VOC which contribute to the formation of photochemical oxidant, mainly ozone.

Since oxidant standards are not violated in Oregon from November through March (because of insufficient solar energy), these rules allow certain control devices to lay idle during the winter months. Since much of the state is considered in attainment with ozone standards, sources in "clean" areas are exempted from these rules.

Sources regulated by these rules are:

- New sources over 100 tons of VOC per year
- Gasoline Stations, underground tank filling
- Bulk Gasoline Plants and Delivery Vessels
- Bulk Gasoline Terminal Loading
- Cutback Asphalt
- Petroleum Refineries
- VOC Liquid Storage
- Surface Coating including paper coating
- Degreasers
- Asphaltic and Coal Tar Pitch in Roofing

Definitions

340-22-100 As used in these regulations, unless otherwise required by context:

(1) "Volatile Organic Compound," (VOC), means any compound of carbon that has a vapor pressure greater than 0.1 mm of Hg at standard conditions (temperature 20°C, pressure 760 mm of Hg). Excluded from the category of Volatile Organic Compound are carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and those compounds which the U.S. Environmental Protection Agency classifies as being of negligible photochemical reactivity which are methane, ethane, methyl chloroform, methylene chloride, and trichlorotrifluoroethane.

(2) "Source" means any structure, building, facility, equipment installation, or operation (or combination thereof) which is located on one or more contiguous or adjacent properties, which is owned or operated by the same person (or by persons under common control), and which emits any VOC. "Source" does not include VOC pollution control equipment.

(3) "Modified" means any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate of any VOC regulated (including any not previously emitted and taking into account all accumulated increases in potential emissions occurring at the source since regulations were adopted under this section, or since the time of the last construction approval issued for the source pursuant to such regulations approved under this section, whichever time is more recent, regardless of any emission reductions achieved elsewhere in the source).

(i) A physical change shall not include routine maintenance, repair and replacement, unless there is an increase in emission.

(ii) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(a) An increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) An increase in the hours of operation;

(c) Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act;

(d) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material, or

(e) Use of an alternative fuel by reason of any order or rule under section 125 of the Federal Clean Air Act, 1977;

(f) Change in ownership of the source.

(4) "Potential to emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capability of the source, unless the source is subject to enforceable permit conditions which limit annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(5) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 pounds or greater which is used to fuel internal combustion engines.

(6) "Submerged fill" means the filling of a delivery vessel or stationary tank through a pipe or hose whose discharge opening extends to within 6 inches of the bottom or is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

(7) "Bulk gasoline plant" means a gasoline storage and distribution facility which receives gasoline from bulk terminals by railroad car or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.

(8) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck.

(9) "Delivery vessel" means any tank truck or trailer used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities and the attached vapor recovery system.

(10) "Cutback asphalt" means a mixture of a base asphalt with a solvent such as gasoline, naphtha, or kerosene. Cutback asphalts can be rapid, medium, or slow curing (known as RC, MC, SC).

(11) "Freeboard ratio" means the freeboard height divided by the width (not length) of the degreaser's air/solvent area.

(12) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(13) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(14) "Owner" means any person who has legal or equitable title to the gasoline storage tank at a facility.

(15) "Splash filling" means the filling of a delivery vessel or stationary storage tank through a pipe or hose whose discharge opening is above the surface level of the liquid in the tank being filled.

(16) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

Lowest Achievable Emission Rate

OAR 340-22-104 in areas where these rules for VOC are applicable, all new or modified sources, with potential volatile organic compound emissions in excess of 90,720 kilograms (100 tons) per year, shall meet the Lowest Achievable Emission Rate (LAER).

Lowest Achievable Emission Rate or LAER means the rate of emissions which reflects

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or not maintainable for the proposed source or

(B) the most stringent emission limitation which is achieved and maintained in practice by such class or category of source, whichever is more stringent.

In no event shall the application of LAER allow a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance (OAR 340-25-525).

Exemptions

OAR 340-22-105 Natural gas-fired afterburners installed for the purpose of complying with these rules shall be operated during the months of April, May, June, July, August, September and October. During other months, the afterburners may be turned off with prior written Departmental approval, provided that the operation of such devices is not required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants, or for complying with visual air contaminant limitations.

OAR 340-22-106 Sources are exempted from the General Emission Standards for Volatile Organic Compounds if they are outside the following areas:

1) Portland-Vancouver Air Quality Maintenance Area
2) Medford-Ashland Air Quality Maintenance Area
3) Salem Area Transportation Study boundary

Testing

340-22-107 Construction approvals and proof of compliance will, in most cases, be based on Departmental evaluation of the source and controls. Applicants are encouraged to submit designs approved by the California

Resources Board, the Bay Area Air Pollution Control District, the South Coast Air Quality Management District, and the San Diego County Air Pollution Control District, where VOC control equipment has been developed. Certification and Test Procedures are on file with the Department and are partly the certification and test procedures used by the California Air Resources Board as of August 9, 1978.

Compliance Schedules 340-22-108 The person responsible for an existing emission source subject to 340-22-100 through 340-22-150 shall proceed promptly with a program to comply as soon as practicable with these rules. A proposed program and implementation plan including increments of progress shall be submitted to the Department for review no later than May 1, 1979, for each emission source required to comply with VOC rules adopted by the Commission on December 15, 1978 and for sources required to comply with the VOC rules amended by the Commission on June 8, 1979, shall be submitted no later than October 1, 1979. Compliance shall be demonstrated no later than the date specified in the individual sections of these rules. The Department shall within 45 days of receipt of a complete proposed program and implementation plan, complete an evaluation and advise the applicant of its approval or other findings.

Small Gasoline Storage Tanks (Under 40,000 Gallons Capacity)

340-22-110

(1) No person may transfer or cause or allow the transfer of gasoline from any delivery vessel which was filled at a Bulk Gasoline Terminal into any stationary storage tank unless:

(a) The tank is filled by submerged fill.

(b) The displaced vapors from the tank are:

(i) Processed by a vapor control system that prevents release to the atmosphere of no less than 90 percent by weight of the vapors displaced.

(ii) Transferred to the delivery vessel by means of a vapor balance system which prevents release to the atmosphere of no less than 90 percent by weight of the vapors displaced.

(iii) Processed by a system demonstrated to the satisfaction of the Department to be of equivalent effectiveness to (i) and (ii) above.

(c) The tank is equipped with a system to ensure that the vapor capture return line will be connected during transfer.

(2) Exemptions. This section will not apply to:

(a) Transfers made to storage tanks of gasoline dispensing facilities equipped with floating roofs or their equivalent.

(b) Stationary gasoline storage containers of less than 2,085 liters (550 gallons) capacity used exclusively for the fueling of implements of husbandry, provided the containers use submerged fill.

(c) Stationary gasoline storage tanks located at a gasoline dispensing facility that are filled by a delivery vessel which was filled at a bulk gasoline plant; provided that the storage tanks use submerged fill.

(3) The owner, operator, or builder of any stationary storage container subject to 340-22-110 shall comply by April 1, 1981.

(4) Compliance with 340-22-110(1)(b) shall be determined by verification of use of equipment identical to equipment most recently approved and listed for such use by the Department or by testing in accordance with Method 30 on file with the Department. This method may be revised by the Department for improvement based upon experience and new data. However, no revision shall apply to a compliance test schedule prior to the making of the revision, unless the owner concurs.

Bulk Gasoline Plants and Delivery Vessels

340-22-115

(1) No person shall transfer or allow the transfer of gasoline to or from a bulk gasoline plant unless:

(a) Each stationary storage tank is equipped with a submerged fill line.

(b) The displaced vapors from filling each stationary gasoline storage tank are:

(i) Processed by a vapor control system or a vapor balance system that prevents release to the atmosphere of no less than 90 percent by weight of the vapors displaced; or

(ii) Processed by a system demonstrated to the satisfaction of the Department to be of equivalent effectiveness to (i) above.

(c) All connections or fittings to vapor lines, connecting pipes or hoses on the storage tank or loading or unloading delivery vessel are vapor tight and will automatically and immediately close when disconnected.

(d) Each stationary gasoline storage tank is equipped with pressure relief valves set to release at no less than 3.4 kPa (.50 psi) or some other setting approved in writing by the Department.

(e) Each delivery vessel loaded at a bulk gasoline plant is filled by submerged filling.

(f) Each delivery vessel is unloaded in a manner that hatches are not opened at any time during unloading except where necessary for the proper operation of the vapor recovery system.

(g) Gasoline is handled in a manner to prevent spillage, discharging into sewers, storage in open containers, or handled in any other manner that would result in evaporation. If an accident occurs, it shall be reported in accordance with 340-21-065 to -075.

(h) The vapor-laden delivery vessel is designed and maintained to be vapor tight at all times.

(2) The owner or operator of any bulk gasoline plant or any delivery vessel subject to 340-22-115 shall comply with the provisions of this rule by April 1, 1981.

(3) Compliance with 340-22-115(1)(b) shall be determined by verification of use of equipment identical to equipment most recently approved and listed for such use by the Department or by testing in accordance with Method 31 on file with the Department. This method may be revised by the Department for improvement based upon experience and new data. However, no revision shall apply to a compliance test scheduled prior to the making of the revision, unless the owner concurs.

(4) Compliance with 340-22-115(1)(h) shall be determined by verification of use of equipment identical to equipment most recently approved and listed for such use by the Department or by testing in accordance with Method 32 on file with the Department. This method may be revised by the Department for improvement based upon experience and new data. However, no revision shall apply to a compliance test scheduled prior to the making of the revision, unless the owner concurs.

(5) No person shall deliver gasoline to a source at a rate exceeding 250,000 gallons per year from a bulk gasoline plant, unless 90 percent by weight of the gasoline vapors displaced during the filling of the delivery truck and during the filling of the source's tank(s) are prevented from being released to the atmosphere.

Bulk Gasoline Terminals

340-22-120

After April 1, 1981, no person shall cause volatile organic compounds (VOC) to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline terminals with daily throughputs of greater than 76,000 liters (20,000 gallons) per day of gasoline. The daily throughputs are the annual throughput divided by 365 days.

340-22-121

Compliance with 340-22-120 shall be determined by testing in accordance with Method 33 on file with the Department or by demonstration that similar equipment has passed similar testing. This method may be revised by the Department for improvement based upon experience and new data. However, no revision shall apply to a compliance test scheduled prior to the making of the revision, unless the owner or operator concurs.

340-22-122 Bulk Gasoline terminals shall comply with the following:

(1) All displaced vapors and gases during tank truck gasoline loading operations are vented only to the vapor control system, except as permitted in writing by the Department.

(2) The loading device must not leak when in use. The loading device shall be designed and operated to allow no more than 10 cubic centimeters drainage per disconnect on the basis of 5 consecutive disconnects.

(3) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected.

(4) Gasoline is handled in a manner to prevent its being discarded in sewers or stored in open containers or handled in any manner that would result in evaporation. If an accident occurs, it shall be reported in accordance with 340-21-065 to -075.

(5) The vapor collection system is operated in a manner to prevent the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.

Cutback Asphalt

340-22-125

(1) After April 1, 1979, all uses and applications of cutback asphalts are prohibited during the months of April, May, June, July, August, September, and October, except as provided for in 340-22-125(2).

(2) The following uses and applications of cutback asphalts shall be allowed during all months provided the cutback or blending petroleum distillate has a total vapor pressure (sum of the partial pressures of the constituents) less than 26 mm of Hg at 20° C:

(a) Solely as a penetrating prime coat for aggregate bases prior to paving;

(b) For the manufacture of medium-curing patching mixes to provide long-period storage stockpiles used exclusively for pavement maintenance;

(c) For all uses when the National Weather Service forecast of the high temperature during the 24-hour period following application is below 10°C (50°F).

Petroleum Refineries

340-22-130 After April 1, 1979, these regulations shall apply to all petroleum refineries.

(1) Vacuum Producing Systems

(a) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(b) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(2) Wastewater Separators

(a) Wastewater separators forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(b) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(3) Process Unit Turnaround

(a) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(b) The pressure in a process unit following depressurization for turnaround shall be less than 5 psig before venting to the ambient air.

(4) Maintenance and Operation of Emission Control Equipment

Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

Liquid Storage

340-22-135 After April 1, 1981 all tanks storing methanol and other volatile organic compound liquids with a true vapor pressure, as stored, greater than 10.5 kPa (kilo Pascals) (1.52 psia), but less than 76.7 kPa (11.1 psia) and having a capacity greater than 150,000 liters (approximately 39,000 gallons) shall comply with one of the following:

(1) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids, 40 CFR 60 Subpart K, as amended

by proposed rule change, Federal Register, May 18, 1978, pages 21616 through 21625.

(2) Be retrofitted with a floating roof or internal floating cover using at least a nonmetallic resilient seal as the primary seal meeting the equipment specifications in the federal standards referred to in 340-22-135 (1) above, or its equivalent.

(3) Is fitted with a floating roof or internal floating cover meeting the manufacturers equipment specificiations in effect when it was installed.

340-22-136

All seals used in 340-22-135(2) and (3) above are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

All openings, except stub drains and those related to safety, are to be sealed with suitable closures. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

Surface Coating in Manufacturing

340-22-140 After December 31, 1982, the operation of a coating line shall not emit into the atmosphere volatile organic compounds greater than following amounts per volume of coating excluding water as delivered to the coating applicators. The limitations shall be based on a 24 hour average during the months of April through October, and on a monthly average for the other months. Daily monitoring and monthly reporting of emissions are required after July 1, 1980, unless exempted as unnecessary by the Department in writing.

	Limitation	
Process	Grams/liter	lb/Gal
Can Coating		
Sheet basecoat (exterior and interior) and over-varnish; two-piece can exterior (basecoat and over-varnish)	340	2.8
Two and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	510	4.2
Three-piece can side-seam spray	660	5.5
End sealing compound	440	3.7
Coil Coating	310	2.6
Fabric Coating	350	2.9
Vinyl Coating	450	3.8
Paper Coating	350	2.9
or Inert Gas Process Paper Coating	567*	4.7*

Auto & Light Duty Truck Coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal Furniture Coating	360	3.0
Magnet Wire Coating	200	1.7
Large Appliance Coating	340	2.8

*Emission figured on a plant site basis, monthly average

340-22-141 Compliance with 340-22-140 shall be determined by testing in accordance with Method 18 or Method 34 (material balance method) on file with the Department. These methods may be revised by the Department for improvement based upon experience and new data. However, no revision shall apply to a compliance test scheduled prior to the making of the revision, unless the owner concurs.

Degreaser

340-22-145 Cold Cleaners

(a) All cold cleaners shall comply with the following equipment specifications after April 1, 1980:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drain rack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

340-22-146 Open Top Vapor Degreasers

(a) All open top vapor degreasers shall comply with the following equipment specifications after April 1, 1980:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. The cover shall move horizontally or slowly so as not to agitate and spill the solvent vapor. The degreaser shall be equipped with at least the following three safety switches:

(a) Condenser flow switch and thermostat - (shuts off sump heat if coolant is either not circulating or too warm).

(b) Spray safety switch - (shuts off spray pump or conveyor if the vapor level drops excessively, e.g. greater than 10 cm (4 in.)).

(c) Vapor level control thermostat - (shuts off sump heat when vapor level rises too high).

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet/min).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet/min.)

(G) The vapor level should not drop more than ten centimeters (4 inches) when the workload enters the vapor zone.

(H) Degrease the workload in the vapor zone until condensation ceases.

(I) Spraying operations should be done within the vapor layer.

(J) Hold parts in the degreaser until visually dry.

(K) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(L) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(M) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) Exhaust ventilation shall not exceed 20 m^3/min per m^2 (65 cfm per ft^2) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

340-22-147 Conveyorized Degreasers

(a) All conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements after April 1, 1980:

(i) Exhaust ventilation should not exceed 20 cubic meters per minute of square meter (65 cfm per ft^2) of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices;

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyored parts to less than 3.35 meters per minute (11 feet/min.)

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

Asphaltic and Coal Tar Pitch Used for Roofing Coating

340-22-150

A person shall not operate or use equipment after April 1, 1980, for melting, heating or holding asphalt or coal tar pitch for the on-site construction or repair of roofs unless the gas-entrained effluents from such equipment are contained by close fitting covers.

A person operating equipment subject to this rule shall maintain the temperature of the asphaltic or coal tar pitch below 285°C (550°F), or 17°C (30°F) below the flash point whichever is the lower temperature, as indicated by a continuous reading thermometer.

The provisions of this rule shall not apply to equipment having a capacity of 100 liters (26 gallons) or less; or to equipment having a capacity of 600 liters (159 gallons) or less provided it is equipped with a tightly fitted lid or cover.

SUBDIVISION 3

OPEN BURNING

23-005 DEFINITIONS.

As used in this section, unless the context requires otherwise:

(1) "Industrial waste" means liquid or solid waste resulting from any process or activity of industry or manufacturing.

(2) "Forced-air pit incineration" means any method or device by which burning of wastes is done in a sub-surface pit or above ground enclosure with combustion air supplied under positive draft and controlled in such a manner as to optimize combustion efficiency and minimize the emission of air contaminants.

(3) "Land clearing debris" means waste generated in clearing any site.

(4) "Open burning" means burning conducted in such a manner that combustion air may not be effectively controlled and that combustion products are not vented to the atmosphere through a stack or chimney.

(5) "Special Control Areas" means those areas so designated in OAR Chapter 340, Section 21-010, subsections (2), (3), and (4), including respectively: the Umpqua Basin, the Rogue Basin, and within three (3) miles of cities having a population of 4000 or more.

(6) "Waste" means useless or discarded materials.

23-010 PROHIBITED PRACTICES.

(1) Open burning of the following wastes is prohibited:

(a) Industrial waste

(b) Any materials, including, but not limited to asphalt, waste petroleum products, and rubber products, which normally emit dense smoke, noxious odors, or creates a public nuisance.

(2) Open burning of waste from commercial governmental establishments, including solid waste disposal sites, is prohibited within the boundaries of Special Control Areas.

(3) Open burning of land clearing debris, other than that otherwise exempted by law, is prohibited after July 1, 1974, within the boundaries of Special Control Areas.

23-015 REGULATION OF AUTHORIZED OPEN BURNING.

(1) Open burning not specifically prohibited by this regulation may be subject to regulation by the Department and shall be conducted within time periods and in accordance with burning requirements designated by the Department.

(2) No open burning shall be conducted on any day when the Department advises fire permit issuing agencies to not issue permits because of adverse meteorological or air quality conditions.

23-020 FORCED-AIR PIT INCINERATION.

(1) Forced-air pit incineration will be approved as an alternative to open burning prohibited by this regulation, provided it is demonstrated to the satisfaction of the Department that:

  (a) No feasible or practicable alternative to forced-air pit incineration exists;

  (b) That installation is designed, installed and operated in such a manner that visible emission standards set forth in OAR Chapter 340, Section 21-015, are not exceeded.

(2) Authorization to establish a forced-air pit incineration facility shall be granted only after a Notice of Construction and Application for Approval is submitted pursuant to OAR Chapter 340, Sections 20-020 to 20-030.

SUBDIVISION 4

MOTOR VEHICLES

VISIBLE EMISSIONS

24-005 DEFINITIONS.

As used in these regulations unless otherwise required by context:

(1) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.

(2) "Department" means Department of Environmental Quality.

(3) "Motor Vehicle" means any self-propelled vehicle designed and used for transporting persons or property on a public street or highway.

(4) "Motor Vehicle Fleet Operation" means ownership, control, or management or any combination thereof by any person of 5 or more motor vehicles.

(5) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(6) "Person" means any individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(7) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 449.760 to 449.840 and 449.850 to 449.920.

(8) "Visible Emissions" means those gases or particulates, excluding uncombined water, which separately or in combination are visible upon release to the outdoor atmosphere.

24-010 VISIBLE EMISSIONS-GENERAL REQUIREMENTS, EXCLUSIONS.

(1) No person shall operate, drive, or cause or permit to be driven or operated any motor vehicle upon a public street or highway which emits into the atmosphere any visible emission.

~~(2)~~ Excluded from this section are those motor vehicles:

(a) Powered by compression ignition or diesel cycle engines.

(b) Exclude by written order of the Department by ORS 449.810.

24-015 VISIBLE EMISSION-SPECIAL REQUIREMENTS FOR EXCLUDED MOTOR VEHICLES.

No person shall operate, drive, or cause or permit to be driven or operated upon a public street or highway, any motor vehicle excluded from Section 24-010 which:

(1) When operated at an elevation of 3,000 feet or less, emits visible emissions into the atmosphere;

(a) Of an opacity greater than 40%.

(b) Of an opacity of 10% or greater for a period exceeding 7 consecutive seconds.

(2) When operated at an elevation of over 3,000 feet, emits visible emissions into the atmosphere;

(a) Of an opacity greater than 60%.

(b) Of an opacity of 20% or greater for a period exceeding 7 consecutive seconds.

24-020 UNCOMBINED WATER-WATER VAPOR.

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 24-010 or 24-015, such sections shall not apply.

24-025 MOTOR VEHICLE FLEET OPERATION.

(1) The Department may, by written notice, require any motor vehicle fleet operation to certify annually that its motor vehicles are maintained in good working order, and if applicable, in accordance with the motor vehicle manufacturers' specifications and maintenance schedule as may or tend to affect visible emissions. Records pertaining to observations, tests, maintenance and repairs performed to control or reduce visible emissions from individual motor vehicles shall be available for review and inspection by the Department.

(2) The Department, by written notice, may require any motor vehicle of a motor vehicle fleet operation to be tested for compliance with Sections 24-010 and 24-015 of these regulations.

(3) A regional authority, within its territory, may perform the functions of the Department as set forth in Items 1 and 2, upon written directive of the Department permitting such action.

20-030 DEALER COMPLIANCE.

No dealer shall sell, exchange or lease or offer for sale, exchange or lease, any motor vehicle which operates in violation of Sections 24-010 or 24-015 of these regulations, except as permitted by federal regulations.

24-035 METHOD OF MEASUREMENT.

(1) The opacity observation for purposes of these regulations shall be made by a person trained as an observer; provided, however, that

(2) The Opacity Chart, marked "Exhibit A", with instructions for use, attached hereto and by reference incorporated into these regulations, may be used in measuring the opacity of emissions for purposes of these regulations.

24-040 ADOPTION OF ALTERNATIVE METHODS OF MEASURING VISIBLE EMISSIONS.

(1) The Department may permit the use of alternative methods of measurement to determine compliance with the visible emissions standards in Sections 24-010 and 24-015 of these regulations, when such alternative methods are deomonstrated to be reproducible, selective, accurate and applicable to a specific program.

(2) Any person desiring to utilize alternative methods of measurement shall submit to the Department such specifications and test data as the Department may require, together with a detailed specific program for utilizing the alternative methods. The Department shall require demonstration of the effectiveness and suitability of the program.

(3) No person shall undertake a program using an alternative method of measurement without having obtained prior written approval of the Department.

24-045 (Repealed 2-15-72 by DEQ 37)

EXHIBIT 1
(340-24-035)

INSTRUCTIONS

The miniature opacity chart available from the Department of Environmental Quality will enable the observer to conveniently grade the opacity of emissions observed.

Opacity means the degree to which transmitted light is obscured, expressed in percent. The opacity may be judged by the degree to which an observer's view is obscured.

The observer's line of observation should be at right angles to the direction of emission travel.

The reading should be made against the same type of background for both the emission and the opacity chart.

Any sunlight should be directed from behind the observer. Care should be taken to prevent interfering reflections on the chart.

The emission under observation is sighted through the chart center, and the opacity is recorded using the film shades at standards of 10%, 20%, 40%, and 60% opacity.

Following is a reproduction of the Opacity Chart, Exhibit "A". As the opacity shades of the chart cannot be properly shown on paper, this reproduction is intended for informational purposes only. Due to the cost of the chart, its distribution is restricted; however, a chart may be viewed at the Department of Environmental Quality Offices. The staff of the Department of Environmental Quality is available for explanation of the use of the chart.

EXHIBIT "A"
OPACITY CHART

MOTOR VEHICLE
VISIBLE EMISSION REGULATIONS

Side 1

Side 2

10% OPACITY
60% OPACITY
20% OPACITY
40% OPACITY

MOTOR VEHICLE EMISSION CONTROL INSPECTION TEST CRITERIA, METHODS, AND STANDARDS

24-300 SCOPE

Pursuant to ORS 468.360 to 468.405, 481.190 to 481.200, and 483.825, the following rules establish the criteria, methods, and standards for inspecting motor vehicles, excluding motorcycles, to determine eligibility for obtaining a Certificate of Compliance or inspection.

24-305 DEFINITIONS

As used in these rules unless otherwise required by context:

(1) "Carbon dioxide" means a compound consisting of the chemical formula ($CO2$).

(2) "Carbon monoxide" means a compound consisting of the chemical formula (CO).

(3) "Certificate of Compliance" means a certification issued by a vehicle emission inspector that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the emission control criteria, standards, and rules of the Commission.

(4) "Certificate of inspection means a certification issued by a vehicle emission inspector and affixed to a vehicle by the inspector to identify the vehicle as being equipped with the required functioning motor vehicle pollution control systems and as otherwise complying with the emission control criteria, standards, and rules of the Commission.

(5) "Commission" means the Environmental Quality Commission.

(6) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

(7) "Department" means the Department of Environmental Quality.

(8) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.

(9) "Director" means the director of the Department.

(10) "Electric vehicle" means a motor vehicle which uses a propul-

sive unit powered exclusively by electricity.

(11) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(12) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with federal motor vehicle emission control laws and regulations.

(13) "Gas analytical system" means a device which senses the amount of contaminants in the exhaust emissions of a motor vehicle, and which has been issued a license by the Department pursuant to rule 340-24-350 of these regulations and ORS 468.390.

(14) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(15) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(16) "Heavy duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of more than 3855 kilograms (8500 pounds).

(17) "Hydrocarbon gases" means a class of chemical compounds consisting if hydrogen and carbon.

(18) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(19) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.

(20) "Light duty motor vehicle" means a motor vehicle having a combined manufacturer vehicle and maximum load rating to be carried thereon of not more than 3855 kilograms (8500 pounds).

(21) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12 months period beginning January of the year in which production thereof begins.

(22) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

(23) "Motor vehicle" means any self-propelled vehicle used for

transporting persons or comodities on public roads.

(24) "Motor vehicle fleet operation" means ownership by any person of 100 or more Oregon registered, in-use, motor vehicles, excluding those vehicles held primarily for the purposes of resale.

(25) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle, or a system or device which inhibits the introduction of fuels which can adversely effect the overall motor vehicle pollution control system.

(26) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(27) "Non-complying imported vehicle" means a motor vehicle of model years 1968 through 1971 which was originally sold new outside of the United States and was imported into the United States as an in-use vehicle prior to Feburary 1, 1972.

(28) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(29) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

(30) "PPM" means parts per million by volume.

(31) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.

(32) "RPM" means engine crackshaft revolutions per minute.

(33) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crackshaft revolution.

(34) "Vehicle emission inspector" means any person possessing a current and valid license issued by the Department pursuant to rule 340-24-340 of these regulations and ORS 468.390.

24-306 PUBLICLY OWNED VEHICLES TESTING REQUIREMENTS

(1) All motor vehicles registered as government-owned vehicles under ORS 481.125 which are required to be certified annually pursuant to ORS 481.190 shall, as means of that certification, obtain a Certificate of Compliance.

(2) Any motor vehicle which is to be registered under ORS 481.125, but is not a new motor vehicle, shall obtain a Certificate of Compliance prior to that registration as so required by ORS 481.190.

(3) For the purposes of providing a staggered certification schedule for vehicles registered as government-owned vehicles under ORS 481.125, such schedule shall be on the bases of the final numerical digit contained on the vehicle license plate. Such certification shall be completed by the last day of the month as provided below (Last Digit and Month, respectively):

(a) 1---January;
(b) 2---February;
(c) 3---March;
(d) 4---April;
(e) 5---May;
(f) 6---June;
(g) 7---July;
(h) 8---August;
(i) 9---September;
(j) 0---October;

24-310 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL TEST METHOD

(1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to intiating a vehicle test.

(2) The Department approved vehicle information data form is to be completed at the time of the motor vehicle being inspected.

(3) Vehicles having coolant, oil, or fuel leaks or any other such defect that is unsafe to allow the emission test to be conducted shall be rejected from the testing area. The emission test shall not be conducted until the defects are eliminated.

(4) The vehicle is to be in neutral gear if equipped with a manual transmission, or in "park" position if equipped with an automatic transmission.

(5) All vehicle accessories are to be turned off.

(6) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of section 340-24-320(3). Vehicles not meeting this criteria shall be

rejected from the testing area without an emission test. A report shall be supplied to the driver indicating the reason(s) for rejection.

(7) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.

(8) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(9) Except for diesel vehicles, the engine is to be accelerated with no external loading applied, to a speed of between 2,200 RPM and 2,700 RPM. The engine speed is to be maintained at a steady speed within this speed range for a 4 to 8 second period and then returned to an idle speed condition. In the case of a diesel vehicle, the engine is to be accelerated to an above idle speed. The engine speed is to be maintained at a steady speed for a 4 to 8 second period and then returned to an idle speed condition.

(10) The steady state levels of the gases measured at idle speed by the gas analytical system shall be recorded. Except for diesel vehicles, the idle speed at which the gas measurements were made shall also be recorded.

(11) If the vehicle is equipped with a multiple exhaust system, then steps (7) through (10) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlets are to be averaged into one reading for each gas measured for comparison to the standards of rule 340-24-330.

(12) If the vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (7) through (10) are to be repeated so that emission test results are obtained for both fuels.

(13) If it is ascertained that the vehicles may be emitting noise in excess of the noise standards adopted pursuant to ORS467.030, then a noise measurement is to be conducted in accordance with the test procedures adopted by the Commission or to standard methods approved in writing by the Department.

(14) If it is determined that the vehicle complies with the criteria of rule 340-24-320 and the standards of rule 340-24-330, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(15) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the front windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(16) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825.

24-315 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL TEST METHOD

(1) The vehicle emission inspector is to insure that the gas analytical system is properly calibrated prior to initiating a vehicle test.

(2) The Department approved vehicle information data form is to be completed prior to the motor vehicle being inspected.

(3) The vehicle is to be in neutral gear if equipped with manual transmission, or in "park" position if equipped with an automatic transmission.

(4) All vehicle accessories are to be turned off.

(5) An inspection is to be made to insure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of rule 340-24-325.

(6) With the engine operating at idle speed, the sampling probe of the gas analytical system is to be inserted into the engine exhaust outlet.

(7) The engine is to be accelerated, with no external loading applied, to a speed of between 2200 RPM and 2700 RPM. The engine speed is to be maintained at a constant speed within this speed range for sufficient time to achieve a steady-state condition whereupon the steady-state levels of the gases measured by the gas analytical system shall be recorded on the Department approved vehicle information form. The engine speed shall then be returned to an idle speed condition.

(8) The steady-state levels of the gases measured at idle speed by the gas analytical system shall be recorded on the Department approved vehicle information form. The idle speed at which the gas measurements were made shall also be recorded.

(9) If the vehicle is equipped with a dual exhaust system, then steps (6) through (8) are to be repeated on the other exhaust outlet(s). The readings from the exhaust outlets are to be averaged to determine a single reading for each gas measured in each step (7) and (8).

(10) The reading from the exhaust outlet, or the average reading from the exhaust outlets obtained in each step (7) and (8) are to be compared to the standards of rule 340-24-335.

(11) If the motor vehicle is capable of being operated with both gasoline and gaseous fuels, then steps (6) through (8) are to be repeated so that emission test results are obtained for both fuels.

(12) If it is ascertained that the motor vehicle may be emitting noise in excess of the noise standards adopted pursuant to ORS 467.030, then a noise measurement is to be conducted in accordance with the test procedures adopted by the Commission or to standard methods approved in writing by the Department.

(13) If it is determined that the motor vehicle complies with the criteria of rule 340-24-325 and the standards of rule 340-24-335, then, following receipt of the required fees, the vehicle emission inspector shall issue the required certificates of compliance and inspection.

(14) The inspector shall affix any certificate of inspection issued to the lower left-hand side (normally the driver side) of the fron windshield, being careful not to obscure the vehicle identification number nor to obstruct driver vision.

(15) No certificate of compliance or inspection shall be issued unless the vehicle complies with all requirements of these rules and those applicable provisions of ORS 468.360 to 468.405, 481.190 to 481.200, and 483.800 to 483.825.

(16) Any motor vehicle registered on less than an annual basis pursuant to ORS 481.205(2) need not pass more than an annual inspection to assure compliance with ORS 481.190. Such vehicles shall be issued a Certificate of Compliance in a form provided by the Department stating that the vehicle passed inspection by the Department on a certain date and was in compliance with the standards of the Commission, and having no information to the contrary, presumes the continuance of such compliance at the date of the issuance of the Certificate through four consecutive quarterly periods.

24-320 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL TEST CRITERIA

(1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, except for diesel vehicles, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8% or less, and on 1975 and newer vehicles with air injection systems 7% or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1968 and newer model

vehicles, or exceeds 1,250 RPM for any pre-1968 model vehicle.

(3) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5). Motor vehicle pollution control systems include, but are not necessarily limited to:

- (a) Positive crankcase ventilation (PCV) system.
- (b) Exhaust modifier system:
  - (A) Air injection reactor system;
  - (B) Thermal reactor system;
  - (C) Catalytic converter system - (1975 and newer model vehicles only).
- (c) Exhaust gas recirculation (EGR) systems - (1973 and newer model vehicles only).
- (d) Evaporative control system.
- (e) Spark timing system:
  - (A) Vacuum advance system;
  - (B) Vacuum retard system.
- (f) Special emission control devices. Examples:
  - (A) Orifice spark advance control (OSAC);
  - (B) Speed control switch (SCS);
  - (C) Thermostatic air cleaner (TAC);
  - (D) Transmission controlled spark (TCS);
  - (E) Throttle solenoid control (TSC);
  - (F) Fuel filler inlet restrictors.

(4) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the factory installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (5). For the purposes of this section, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely effect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such part or system is listed on the exemption list maintained by the Department.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 and newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) The following applies:

(a) To 1979 and earlier motor vehicles. When a motor vehicle is equipped with other than the original engine and the factory installed vehicle pollution control systems, it shall be classified by the model year and manufacture make of the non-original engine and its factory installed motor vehicle pollution control systems, except that any requirement for evaporative control system and fuel filler inlet restrictor and catalytic convertor shall be based on the model year of the vehicle chassis.

(b) To 1980 and newer motor vehicles. These motor vehicles shall be classified by the model year and make of the vehicle as designated by the original chassis, engine, and its factory installed motor vehicle pollution control systems.

24-325 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL TEST CRITERIA

(1) No vehicle emission control test shall be considered valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust gas is diluted to such an extent that the sum of the carbon monoxide and carbon dioxide concentrations recorded for the idle speed reading from an exhaust outlet is 8% or less.

(2) No vehicle emission control test shall be considered valid if the engine idle speed either exceeds the manufacturer's idle speed specifications by over 200 RPM on 1970 and newer model vehicles, or exceeds 1000 RPM for any age model vehicle.

(3) No vehicle emission control test for a 1970 or newer model vehicle shall be considered valid if any element of the following factory-installed motor vehicle pollution control systems have been disconnected, plugged, or otherwise made inoperative in violation of ORS 483.825(1), except as noted in section (5):

(a) Positive crankcase ventilation;
(b) Exhaust modifier system. Examples:

- (A) Air injection system;
    - (B) Thermal reactor system;
    - (C) Catalytic convertor system.
- (c) Exhaust gas recirculation (EGR) systems;
- (d) Evaporative control system;
- (e) Spark timing system. Examples:
    - (A) Vacuum advance system;
    - (B) Vacuum retard system.
- (f) Special emission control devices. Examples:
    - (A) Orifice spark advance control (OSAC);
    - (B) Speed control switch (SCS);
    - (C) Thermostatic air cleaner (TAC);
    - (D) Transmission controlled spark (TCS);
    - (E) Throttle solenoid control (TSC);
    - (F) Fuel filler inlet restrictor.

(4) No vehicle emission control test conducted for a 1970 or newer model vehicle shall be considered valid if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner so as to decrease its efficiency or effectiveness in the control of air pollution in violation of ORS 483.825(2), except as noted in section (5). For the purposes of this section, the following apply:

(a) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not considered to be a violation of ORS 483.825(2), if a reasonable basis exists for knowing that such use will not adversely effect emission control efficiency. The Department will maintain a listing of those parts which have been determined to adversely effect emission control efficiency.

(b) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system, is not considered to be a violation of ORS 483.825(2), if such part or system is listed on the exemption list maintained by the Department.

(c) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not considered violations of ORS 483.825(2).

(5) A 1970 or newer model motor vehicle which has been converted to operate on gaseous fuels shall not be considered in violation of ORS 483.825(1) or (2) when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 483.825(3).

(6) For the purposes of these rules, a motor vehicle with an exchange engine shall be classified by the model year and manufacturer make of the exchange engine, except that any requirement for evaporative control systems shall be based upon

the model year of the vehicle chassis.

24-330 LIGHT DUTY MOTOR VEHICLE EMISSION CONTROL IDLE EMISSION STANDARDS

(1) Carbon monoxide idle emission values not to be exceeded: (See Table 1).

(2) Hydrocarbon idle emission values not to be exceeded: (See Table 2).

(3) There shall be no visible emission during the steady-state unloaded and raised rpm engine idle portion of the emission test from either the vehicle's exhaust system or the engine crankcase. In the case of diesel engines and two-stroke cycle engines, the allowable visible emission shall be no greater than 20% opacity.

(4) The Director may establish specific separate standards, differing from those listed sections (1), (2), and (3), for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.

24-335 HEAVY DUTY GASOLINE MOTOR VEHICLE EMISSION CONTROL EMISSION STANDARDS

(1) Carbon monoxide idle emission values not to be exceeded: (See Table 3).

(2) Carbon Monoxide nominal 2,500 RPM emission values not to be exceeded: (See Table 4).

(3) Hydrocarbon idle emission values not to be exceeded: (See Table 5).

(4) There shall be no visible emission during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.

(5) The Director may establish specific separate standards, differing from those listed in sections (1), (2), (3), and (4) for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.

24-340 CRITERIA FOR QUALIFICATIONS OF PERSONS ELIGIBLE TO INSPECT MOTOR VEHICLES AND MOTOR VEHICLE POLLUTION CONTROL SYSTEMS AND EXECUTE CERTIFICATES

(1) Three separate classes of licenses are established by these rules:

(a) Motor vehicle fleet operations.
(b) Fleet operation vehicle emission inspector.

(c) State employed vehicle emission inspector.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license shall be valid through December 31 of each year unless revoked, suspended, or returned to the Department.

(4) No license shall be issued until the applicant has fulfilled all requirements and paid the required fee.

(5) No license shall be transferable.

(6) Each license may be renewed upon application and receipt of renewal fee if the application for renewal is made within the 30 day period prior to the expiration date and the applicant complies with all other licensing requirements.

(7) A license may be suspended, revoked, or not renewed if the licensee has violated these rules or ORS 468.360 to 468.405, 481.190, or 483.800 to 483.820.

(8) A fleet operation vehicle emission inspector license shall be valid only for inspection of, and execution of certificates for, motor vehicle pollution control systems and motor vehicles of the motor vehicle fleet operation by which the inspector is employed on a full time bases, except:

A fleet operation vehicle emission inspector employed by a governmental agency may be authorized by the Department to perform inspections and execute Certificates of Compliance for vehicles of other governmental agencies that have contracted with that agency for that service and that contract having the approval of the Director.

(9) To be licensed as a vehicle emission inspector, the applicant must:

(a) Be an employee of the Vehicle Inspection Division of the Department, or

(b) Be an employee of a licensed motor vehicle fleet operation.

(c) Complete application.

(d) Satisfactorily complete a training program conducted by the Department. Only persons employed by the Department or by a motor vehicle fleet operation shall be eligible to participate in the training program unless otherwise approved by the Director. The duration of the training program for persons employed by a motor vehicle fleet operation shall not exceed 24 hours.

(e) Satisfactorily complete an examination pertaining to the inspection program requirements. This examination shall be prepared, conducted, and graded by the Department.

(10) To be licensed as a motor vehicle fleet operation, the applicant must:

(a) Be the owner or 100 or more Oregon registered in-use motor vehicles, or 50 or more publicly owned vehicles registered pursuant to ORS 281.125.

(b) Be equipped with an exhaust gas analyzer complying with criteria established in rule 340-24-350.

(c) Be equipped with a sound level meter conforming to "Requirements for Sound Measuring Instruments and Personnel" (NPCS-2) manual, revised September 15, 1974, of this Department.

(11) No person licensed as a motor vehicle fleet operation shall advise or represent himself as being licensed to inspect motor vehicles to determine compliance with the criteria and standards of rules 340-24-320 and 340-24-330.

24-350 GAS ANALYTICAL SYSTEM LICENSING CRITERIA

(1) To be licensed, an exhaust gas analyzer must:

(a) Conform substantially with either:

(A) All specifications contained in the document "Specifications for Exhaust Gas Analyzer System Including Engine Tachometers" dated July 9, 1974, prepared by the Department and on file in the office of the Vehicle Inspection Division of the Department; or

(B) The technical specifications contained in the document "Performance Criteria, Design Guidelines, and Accreditation Procedures for Hydrocarbon (HC) and Carbon Monoxide (CO) Analyzers Required in California Official Motor Vehicle Pollution Control Stations" issued by the Bureau of Automotive Repair, Department of Consumer Affairs, State of California, and on file in the office of the Vehicle Inspection Division of the Department. Evidence that an instrument model is approved by the California Bureau of Automotive Repair will suffice to show conformance with this technical specification.

(b) Be owned by the licensed motor vehicle fleet operation or the Department.

(c) Be span gas calibrated a minimum of once a month (at least every 30 calendar days) by a licensed inspector. The calibration and the inspector's initials are to be recorded on the back of the exhaust gas analyzer's license for verification by the Department.

(2) Application for a license must be completed on a form provided by the Department.

(3) Each license issued for an exhaust gas analyzer shall be valid through December 31 of each year, unless returned to the Department or revoked.

(4) A license for an exhaust gas analyzer system shall be renewed upon submission of a statement by the motor vehicle fleet operation that all conditions pertaining to the original license issuance are still valid and that the unit has been gas calibrated and its proper operation verified within the last 30 days by a vehicle emission inspector in their employment.

(5) Grounds for revocation of a license issued for an exhaust gas analyzer system include the following:

  (a) The unit has been altered, damaged, or modified so as to no longer conform with the specifications of subsection (1)(a) of this rule.

  (b) The unit is no longer owned by the motor vehicle fleet operation to which the license was issued.

  (c) The Department verifies that a Certificate of Compliance has been issued to a vehicle which has been emission tested by an analyzer that has not met the requirements of subsection (1)(c) of this rule.

(6) No license shall be transferable.

(7) No license shall be issued until all requirements of section (1) of this rule are fulfilled and required fees paid.

SUBDIVISION 5

SPECIFIC INDUSTRIAL STANDARDS

CONSTRUCTION AND OPERATION OF WIGWAM WASTE BURNERS

25-005 DEFINITIONS.

As used in this regulation, unless required otherwise by context:

(1) "Continuous-flow conveying methods" means methods which transport materials at uniform rates of flow, or at rates generated by the production process.

(2) "Modified wigwam waste burner" means a device having the general features of a wigwam waste burner, but with improved combustion air controls and other improvements installed in accordance with design criteria approved by the Department.

(3) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

(4) "Wigwam waste burner" means a burner which consists of single combustion chamber, ahs the general features of a truncated cone, and is used for incineration ot wastes.

25-010 STATEMENT OF POLICY.

Recent technological and economic developments have enhanced the degree to which wood waste residues currently being disposed of in wigwam waste burners may be utilized or otherwise disposed of in ways not damaging to the environment. While recognizing that complete utilization of wood wastes is not presently possible in all instances, consistent with the economic and geographical conditions in Oregon, it is hereby declared to be the policy of the Environmental Quality Commission to:

(1) Encourage the complete utilization of wood waste residues.

(2) Phase out, wherever reasonably practicable, all disposal of wood waste residues by incineration.

(3) Require the modification of all wigwam waste burners to minimize air contaminant emissions.

(4) Require effective monitoring and reporting of wigwam burner operating conditions.

25-015 AUTHORIZATION TO OPERATE A WIGWAM BURNER.

(1) Operation of wigwam waste burners other than modified wigwam waste burners is prohibited without approval of the Department of Environmental Quality.

(2) Persons seeking authorization to modify a wigwam waste burner or establish a new wigwam waste burner shall request authorization by submitting a Notice of Construction and submitting plans in accordance with OAR Chapter 340, 20-025 and 20-030.

(3) Authorization to establish a modified waste burner installation shall not be approved unless it is demonstrated to the Department that:

(a) No feasible alternative to incineration of wood waste residues exists. In demonstrating this, the applicant shall provide a statement of the relative technical and economic feasibility of alternatives, including but not limited to: utilization, off site disposal and incineration in a boiler or incinerator other than a wigwam waste burner.

(b) The modified wigwam waste burner facility is to be constructed and operated in accordance with design criteria approved by the Department, and the emission standards set forth in Section 25-020 of this regulation.

(4) Authorization for establishment of a new modified wigwam waste burner in conjunction with the establishment of a new industrial facility or significant expansion or an existing facility shall not be granted without approval of the Department of Environmental Quality.

25-020 EMISSION AND OPERATION STANDARDS FOR WIGWAM WASTE BURNERS.

(1) No person shall cause, suffer, allow or permit the emission of air contaminants into the atmosphere from any wigwam waste burner for a period or periods aggregating more than three (3) minutes in any one hour which is equal to or greater than 20% opacity.

(2) Resultant emissions notwithstanding, no person shall use a wigwam waste burner for the incineration of other than production process wood wastes, Such wood waste shall be transported to the burner by continuous flow conveying methods.

25-025 MONITORING AND REPORTING.

(1) A thermocouple and recording pyrometer or ther approved temperature measurement and recording devices shall be installed and maintained on every modified wigwam waste burner.

(2) Exit gas temperatures shall be recorded continuously using the installed pyrometer at all times when the burner is in operation.

(3) Records of temperature monitoring as prescribed above, in accordance with OAR Chapter 340, Sections 20-035 and 20-040, the Department may require installation of visible emissions monitoring devices and subsequent reporting of data therefrom.

REDUCTION OF ANIMAL MATTER

25-055 CONTROL FACILITIES REQUIRED.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors, and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(1) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

(2) Processed in such a manner determined by the Sanitary Authority to be equally, or more, effective for the purpose of air pollution control than (1) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the Sanitary Authority, for indicating temperature, pressure or other operating conditions.

For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

25-060 MONITORING OF REDUCTION FACILITIES.

(1) When requested by the Sanitary Authority for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data shall be submitted for plant operational periods and shall include:

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(a) continuous or at least hourly influent and effluent temperature readings on the condenser,

(b) continuous or at least hourly temperature readings on the after-burner,

(c) estimated weights of finished temperature readings in pounds per hour,

(d) hours of operation per day, and

(e) a narrative description to accurately portray control practices, including the housekeeping measures employed.

When requested by the plant manager any information relating to processing or production shall be kept confidential by the Sanitary Authority and shall not be disclosed or made available to competitors or their representatives in the rendering industry.

25-065 HOUSEKEEPING OF PLANT AND PLANT AREA:

The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping shall include, but not be limited to:

(1) A washdown at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive.

(2) All solid wastes shall be stored in covered containers and disposed of daily in an incinerator or fill, approved by the Sanitary Authority; or by contract with a company or municipal department providing such service.

(3) Disposal of liquid and liquid-borne waste in a manner approved by the Sanitary Authority.

25-070 APPLICATION.

This rule shall apply in all areas of the State which are within city limits or within two miles of the boundaries of incorporated cities.

25-075 EFFECTIVE DATE.

(1) These regulations shall be effective August 1, 1968.

(2) The Sanitary Authority will consider an extensions for the time of compliance with these regulations up to March 1, 1969, for plants who encounter special problems due to engineering or technical design difficulties or delay in the preparation and

receipt of engineering plans, upon written application being submitted to the Sanitary Authority, prior to August 1, 1968, requesting an extension of time and the reasons therefor.

25-080 EXISTING ADMINISTRATIVE AGENCY ORDERS:

(1) The provisions of Sections 25-005 through 25-020 and subsection (1) of Section 25-025 are in addition thereto and do not modify, amend, repeal, alter, postpone, or in any other manner affect any specific existing agency orders directed against specific parties or persons to abate air pollution.

(2) The provisions of subsection (2) of Section 25-025 shall not be made applicable nor extend in any manner to any specific existing agency orders directed against specific parties or persons to abate air pollution.

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SUBDIVISION 6

HOT MIX ASPHALT PLANTS.

25-105 DEFINITIONS.

As used in Sections 25-105 through 25-125, unless otherwise required by context:

(1) "Hot mix asphalt plants" means those facilities and equipment which convey proportioned quantities or batch load cold aggregate to a drier, and heat, dry, screen, classify, measure and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential or commercial use.

(2) "Collection efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector unless specific size fractions of the contaminant are stated or required.

(3) "Process weight by hour" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(4) "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

(5) "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

(6) "Particulate Matter" means any matter except uncombined water, which exists as a liquid or solid at standard conditions.

(7) "Special Control Areas" means for the purpose of this regulation any location within:

   (a) Multnomah, Clackamas, Columbia, Washington, Yamhill, Polk, Benton, Marion, Linn and Lane Counties.

   (b) The Umpqua Basin as defined in section 21-010, (2).

(c) The Rogue Basin as defined in section 21-010, (3).

(d) Any incorporated city or within six (6) miles of the city limits of said incorporated city.

(e) Any area of the State within one (1) mile of any structure or building used for residence.

(f) Any area of the State within two (2) miles straight line distance of air miles of any paved public road, highway or freeway having a total of two (2) or more traffic lanes.

25-110 CONTROL FACILITIES REQUIRED.

(1) No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of the state outside special control areas, unless all dusts and gaseous effluents generated by the plant are subjected to air cleaning device or devices having a particulate collection efficiency of at least 80% by weight.

(2) No person shall operate any hot-mix asphalt plant, either portable or stationary, located within any special control area of the state without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table I, attached herewith and by reference made a part of this rule and the emission limitations in section 21-015, subsections (2) and (3) and section 21-030 of Chapter 340, OAR.

25-115 OTHER ESTABLISHED AIR QUALITY LIMITATIONS:

The emission limits established under these sections are in addition to visible emission and other ambient air standards, established or to be established by the Environmental Quality Commission unless otherwise provided by rule or regulation.

25-120 PORTABLE HOT MIX ASPHALT PLANTS.

(1) Portable not mix asphalt plants temporarily located outside of special control areas and complying with the emission limitations of 25-110 (1) need not comply with Sections 21-015 and 21-030 of Chapter 340, OAR provided however that the particulate matter emitted does not create or tend to create a hazard to human, animal or plant life, or unreasonably interfere with agricultural operations, recreation areas, or the enjoyment of life and property.

(2) Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of Department jurisdiction without indicating specific site locations. Said permits will be issued for periods not to exceed one (1) calendar year. As a condition of said permit, the permittee will be required to obtain approval for the Department for the air pollution controls to be installed at each site location or set-up at least ten (10) days prior to operating at each site location or set-up.

25-125 ANCILLARY SOURCES OF EMISSION - HOUSEKEEPING OF PLANT AND FACILITIES.

(1) Ancillary air contamination sources from the plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to the drier openings, screening and classifying system, hot rock elevator, bins, hoppers and pug mill mixer, shall be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

(2) The handling of aggregate and traffic shall be conducted at all times so as to minimize emissions into the atmosphere.

TABLE I

PROCESS WEIGHT TABLE

Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000 or more	40.0
3200	5.27		
3300	5.36		

KRAFT PULP MILLS

25-155 DEFINITIONS.

As used in these regulations, unless otherwise required by context:

(1) "Continual Monitoring" means sampling and analysis, in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(2) "Emission" means a release into the outdoor atmosphere of air contaminants.

(3) "Kraft Mill or Mill" means any industrial operation which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

(4) "Particulate Matter" means a small discrete mass of solid or liquid matter, but not including uncombined water.

(5) "Parts Per Million, ppm," means parts of a contaminant per million parts of gas by volume (1 ppm equals 0.0001 percent by volume).

(6) "Recovery Furnace Stack" means the stack from which the products of combustion are emitted to the ambient air from the recovery furnace.

(7) "Other Sources" means sources of odorous sulfur emissions in a kraft mill, including but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, disgesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the treatment of condensate liquids within the mill or any vent which is shown to be a significant contribution of ordorous gases.

(8) "Total Reduced Sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(9) "Non-consensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in said processes.

25-160 STATEMENT OF POLICY.

Recent technological developments have enhanced the degree of malodorous emission control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently ~~possible,~~ consistent with the meterological and geographical conditions in

Oregon, it is hereby declared to be the policy of the Oregon State Sanitary Authority to:

(1) Require, in accordance with a specific program and time table for each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices and procedures.

(2) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Oregon State Sanitary Authority will use this data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

(3) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(4) Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as new information and better technology are developed.

25-165 HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL REQUIRED.

Nothwithstanding the specific emission limits set forth in Section 25-170 of these regulations, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control currently available shall in every case be provided.

25-170 EMISSION LIMITATIONS.

The following emission limits are based upon average daily emissions.

(1) Emission of TRS.

(a) The emission of TRS from a recovery furnace stack shall not exceed 2 pounds of sulfur per ton of equivalent air-dried kraft pulp or 70 ppm expressed as H2S on a dry gas basis, which ever is the more restrictive.

(b) No later than July 1, 1975, the emission of TRS from the recovery furnace stack shall not exceed 0.5 pound of sulfur per ton of equivalent air-dried kraft pulp or 17.5 ppm, expressed as H2S on a dry gas basis, which ever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls and procedures.

(c) No later than July 1, 1972, the emission of non-condensibles from digesters and multiple effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln.

(2) Emission of Particulate Matter.

(a) No later than July 1, 1975, the emissions of particulate matter from the recovery furnace stack shall not exceed 4 pounds per ton of equivalent air-dried kraft pulp.

(b) No later than July 1, 1975, the emission of particulate matter from lime kilns shall not exceed 1 pound per ton of equivalent air-dried kraft pulp.

(c) No later than July 1, 1972, the emission of particulate matter from the smelt tank shall not exceed 1/2 pound per ton equivalent air-dried kraft pulp.

(3) Compliance Schedules. Within 180 days of the effective date of these regulations, each mill shall submit to the Oregon State Sanitary Authority a proposed schedule, including means, methods and a detailed time table, for complying with the emission limits of these regulations. After receipt of said proposed schedule, the Oregon State Sanitary Authority, will establish, in cooperation with mill representatives, an approved compliance schedule for each mill within the time limitations established by these regulations.

(4) Public Hearing. A public hearing shall be held by the Oregon State Sanitary Authority not later than July, 1973 to review current technology and the adequacy of the emission limits established by these regulations and to adopt any revisions that may be necessary.

25-175 MORE RESTRICTIVE EMISSION LIMITS.

The Sanitary Authority may establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills or for established mills desiring to expand or alter existing facilities if the expansion or alteration will significantly affect emissions.

25-180 PLANS AND SPECIFICATIONS.

Prior to the construction of new kraft mills, or expansion of production or modification of facilities significantly affecting emissions at existing kraft mills, complete and detailed engineering plans and specifications for air pollution control devices and facilities and such other data as may be required to evaluate projected emissions and potential effects on air quality ~~shall be~~ submitted to the Oregon State Sanitary Authority for approval.

25-185 MONITORING AND REPORTING.

(1) Each mill shall develop and submit a detailed monitoring program, and order and install sampling and monitoring equipment within the following time schedule:

(a) Within 60 days after the effective date of these regulations, each mill shall submit a detailed monitoring program for approval by the Oregon State Sanitary Authority.

(b) Within 30 days after the monitoring program has been approved in writing by the Oregon State Sanitary Authority, sampling and monitoring equipment shall be ordered.

(c) Within 90 days after delivery of the equipment, each mill shall place said equipment in effective operation in accordance with its approved monitoring program.

(2) Each mill shall install equipment for the continual monitoring of TRS in accordance with the following:

(a) The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of TRS contaminants during a time interval not greater than 30 minutes.

(b) The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

(3) Each mill shall sample the recovery furnace, lime kiln and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its approved monitoring program.

(4) Unless otherwise authorized by the Oregon State Sanitary Authority, data shall be reported by each mill at the end of each calendar month as follows:

(a) Daily average emission of TRS gases expressed in parts per million of H2S on a dry gas basis for each source included in the approved monitoring program.

(b) The number of hours each day the TRS gases from the recovery furnace stack exceed 70 ppm and maximum concentration measured each day.

(c) Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.

(d) Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon the sampling conducted in accordance with the approved monitoring program.

(e) Average daily equivalent kraft pulp production in air-dried tons.

(f) Other emission data as specified in the approved monitoring program.

(5) Each kraft mill shall furnish, upon request of the Oregon State Sanitary Authority, such other pertinent data as the Authority may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air contaminants.

25-190 SPECIAL STUDIES.

Special studies, having prior approval of the Oregon State Sanitary Authority, shall be conducted at each mill, and the results submitted to the Oregon State Sanitary Authority by July 1971. The studies shall cover the following areas:

(1) Evaluation of the emissions of TRS from all other sources within the mill.

(2) Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, recovery furnaces, lime kilns and power boilers.

25-195 OTHER ESTABLISHED AIR QUALITY LIMITATIONS.

The emission limits established by these regulations are in addition to visible emissions and other ambient air standards, established or to be established by the Sanitary Authority unless otherwise provided by rule or regulation.

PRIMARY ALUMINUM PLANTS

25-255 STATEMENT OF PURPOSE.

In furtherance of the public policy of the state as set forth in ORS 449.765, it is hereby declared to be the purpose of the Commission in adopting the following Regulations to:

(1) Require, in accordance with a specific program and time table for

each operating primary aluminum plant the highest and best practicable collection, treatment and control of atmospheric pollutants emitted from primary aluminum plants through the utilization of technically feasible equipment, devices and procedures necessary to attain and maintain desired air quality.

(2) Require effective monitoring and reporting of emissions, ambient air levels of fluorides, fluoride content of forage and other pertinent data. The Department will use these data, in conjunction with observation of conditions in the surrounding areas, to develop emission and ambient air standards and to determine compliance therewith.

(3) Encourage and assist the aluminum industry to conduct a research and technological development program designed to reduce emissions, in accordance with a definite program, including specified objectives and time schedules.

(4) Establish standards which based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and better technology are developed.

25-260 DEFINITIONS.

(1) "All Sources" means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house, and collection, treatment and recovery systems.

(2) "Ambient Air" means tha air that surrounds the earth, excluding the general volume of gases contained within any building or structure.

(3) "Anoding Baking Plant" means the hearing and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

(4) "Anode Plant" means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(5) "Commission" means Environmental Quality Commission.

(6) "Cured Forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(7) "Department" means Department of Environmental Quality.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

(9) "Emission Standard" means the limitation on the release of a contaminant or multiple contaminants to the ambient air.

(10) "Fluorides" means matter containing fluoride ion.

(11) "Forage" means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

(12) "Particulate Matter" means a small, discrete mass of solid or liquid matter, but not including uncombined water.

(13) "Primary Aluminum Plant" means those plants which will or do operate for the purpose of or related to producing aluminum metal from aluminum oxide (alumina).

(14) "Pot Line Primary Emission Control Systems" means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(15) "Regularly Scheduled Monitoring" means sampling and analyses in compliance with a program and schedule approved pursuant to Section 25-275.

(16) "Standard Dry Cubic Foot of Gas" means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60° F.

25-265 EMISSION STANDARD.

(1) Visible emissions from all sources shall not exceed twenty (20) percent opacity (Ringelmann 1).

(2) Each primary aluminum plant shall proceed promptly with a program to comply with this regulation. A proposed schedule of compliance shall be submitted by each plant to the Commission not later than one hundred and eighty (180) days after the effective date of this regulation. After receipt of the proposed schedule, the State shall establish a schedule of compliance for each plant. Such schedule shall include the date by which full compliance must be achieved but, in no case, shall full compliance be later than January 1, 1975.

25-270 HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL REQUIREMENT.

Notwithstanding the specific emission limits set forth in Section 25-265 of these regulations, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control currently available shall in every case be provided.

25-275 MONITORING.

(1) Each primary aluminum plant shall submit, within sixty (60) days after an effective date of this regulation, a detailed monitoring program. The proposed program shall be subject to the revision and approval by the Commission. The program shall include regularly scheduled monitoring for emissions of gaseous and particulate fluorides and total particulates. A schedule for measurement of fluoride levels in forage and ambient air shall be submitted.

(2) Necessary sampling and analysis equipment shall be ordered or otherwise provided for within thirty (30) days after the monitoring program has been approved in writing by the Commission. The equipment shall be placed in effective operation in accordance with the approved program within ninety (90) days after delivery.

20-280 REPORTING.

(1) Unless otherwise authorized in writing by the Commission, data shall be reported by each primary aluminum plant within thirty (30) days of the end of each calendar month for each source and station included in the approved monitoring program as follows:

(a) Ambient air: Twelve-hour concentrations of gaseous fluoride in ambient air expressed in micrograms per cubic meter of air.

(b) Forage: Concentrations of fluoride in forage expressed in ppm of fluoride on a dried weight basis.

(c) Particulate emissions: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

(d) Gaseous emissions: Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as hydrogen fluoride in micrograms per cubic meter on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(f) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

(2) Each primary aluminum plant shall furnish, upon request of the Commission, such other data as the Commission may require to' evaluate the plant's emission control program. Each primary aluminum plant shall immediately report abnormal plant operations which result in increased emission of air contaminants.

(3) Prior to construction, installation or establishment of a primary aluminum plant, a notice of construction shall be submitted to the Commission. Addition to, or enlargement or replacement of, a primary aluminum plant or any major alteration therein shall be construed as construction, installation or establishment.

25-285 SPECIAL STUDIES.

(1) Special studies, covering the areas in subparagraphs (a), (b) and (c) of this subsection shall be conducted at each primary aluminum plant.

(a) Emissions of particulates from all sources within the plant, including size distribution and physical and chemical characteristics where feasible, and a separation of fluoride and nonfluoride particulate.

(b) Plume opacity from all sources within the plant, including its relationship to grain loading, particulate characteristics, particule emissions in pounds per ton of production and stack characteristics.

(c) Emissions of sulfur dioxide, hydrocarbons, carbon monoxide, chlorine and chlorides, oxides of nitrogen, ozone, water vapor, and flourides from all sources.

(2) Each primary aluminum plant shall submit a program for conducting the aforesaid special studies to the Commission for approval within sixty (60) days after the effective date of this regulation.

(3) The results of the special studies shall be submitted to the Commission not later than eighteen (18) months after approval of the special studies program.

25-290 REVISION OF EMISSION STANDARDS.

(1) A public hearing may be called on or before ninety (90) days after submission of the results of the special studies to evaluate the special studies, current technology and adequacy

of these regulations and to make revisions to the regulations as necessary.

(2) The Commission may, after public hearing, establish more restrictive regulations for new primary aluminum plants or for plants that expand existing facilities. Data documenting projected emissions and changes in or effects upon air quality that would result from the construction or expansion, must be submitted to the Commission, together with plans and specifications, in accordance with Section 25-280(3).

BOARD PRODUCTS INDUSTRIES (Veneer, Plywood, Particleboard, Hardboard).

25-305 DEFINITIONS.

(1) "Department" means Department of Environmental Quality.

(2) "Emission" means a release into the outdoor atmosphere of air contaminants.

(3) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(4) "Operations" includes plant, mill or facility.

(5) "Particleboard" means mat formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(6) "Person" means the same as ORS 449.760 (1).

(7) "Plywood" means a flat panel build generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(8) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(9) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

25-310 GENERAL PROVISIONS.

(1) These regulations establish minumum performance and emission standards for veneer, plywood, particleboard and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment.

(3) Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

(4) Upon adoption of these regulations, each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practicable treatment and control currently available. Each plant shall at the request of the Deparment submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with these regulations.

25-315 VENEER AND PLYWOOD MANUFACTURING OPERATIONS.

(1) Veneer Driers.

(a) No person shall cause to be emitted from any veneer drier, visible air contaminants of an opacity equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any one hour. Where the presence of uncombined water is the only reason for failure of an emission to meet this requirement, said requirement shall not apply.

(b) No person shall cause to be emitted from any veneer drier constructed or installed after March 1, 1972, visible air contaminants of an opacity exceeding 10% for a period or periods aggregating more than 3 minutes in any one hour. Where the presence of uncombined water is the only reason for failure of an emission to meet this requirement, said requirement shall not apply.

(c) No person shall attempt to comply with the requirements of (1) (a) or (1) (b) of this subsection by dilution with outside air or by otherwise increasing the exhaust gas volume above that generally occurring under normal operating conditions.

(d) No later than September 30, 1972, every person operating a veneer drier shall submit to the Department of Environmental Quality, a specific proposal for complying with this subsection, and by no later than March 30, 1973, a specific detailed schedule of compliance. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, consistent with local air quality conditions and the difficulty and complexity of compliance, and shall employ the highest and best practicable treatment and control. In no case shall final compliance be achieved by later than December 31, 1974.

(2) Other Emission Sources.

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent.

(b) Excepted from subsection (a) are veneer dryers, fuel burning equipment and refuse burning equipment.

(c) Compliance Schedule. No later than September 5, 1971, every person operating a plywood or veneer manufacturing plant shall submit to the Department of Environmental Quality a proposed schedule for compliance with this section. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(3) Open Burning. Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any veneer or plywood manufacturing mill and such acts are hereby prohibited.

Hist: Amended 2-15-72 by DEQ 37

25-320 PARTICLEBOARD MANUFACTURING OPERATIONS.

(1) Truck Dump and Storage Areas.

(a) Every person operating or intending to operate a particleboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person.

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies the Department of Environmental Quality and receives written approval for said storage.

(A) When authorized by the Department of Environmental Quality, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(B) Any temporary storage areas authorized by the Department shall not be operated in excess of six (6) months from the date they are first authorized.

(c) Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall apply to the Department for authorization to utilize alternative controls. The application shall be submitted pursuant to Section 20-020 20-030, Chapter 340, OAR, and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources.

(a) No person shall cause to be emitted particulate matter from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems, in excess of a total from all sources within the plant site of three (3.0) pounds per 1000 square feet of particleboard produced on a 3/4 inch basis of finished product equivalent.

(b) Except from subsection (a) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(3) Compliance Schedule. Not later than September 5, 1971, every person operating a particleboard manufacturing plant shall submit to the Department of Environmental Quality a proposed schedule for complying with Sections (1) and (2) of this regulation. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(4) Open Burning. Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any particleboard manufacturing plant and such acts are hereby prohibited.

25-325 HARDBOARD, MANUFACTURING OPERATIONS.

(1) Truck Dump and Storage Areas.

(a) Every person operating or intending to operate a hardboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person.

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies the Department of Environmental Quality and receives written approval.

(A) When authorized by the Department of Environmental Quality, temporary storage areas shall be operated to prevent windblown particle emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(B) Any temporary storage areas authorized by the Department shall not be operated in excess of six (6) months from the date they are first authorized.

(c) Alternative Means of Control. Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall first apply to the Department for authorization to utilize alternative controls. The application shall be submitted pursuant to Section 20-020 to 20-030, Chapter 340, OAR, and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources.

(a) No person shall cause to be emitted particulate matter from hardboard plant sources including, but not limited to hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems, in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of hardboard produced on a 1/8 inch basis of finished product equivalent.

(b) Excepted from subsection (a) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(3) Emissions from Hardboard Tempering Ovens.

(a) No person shall operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500° F for 0.3 seconds or longer.

(b) Specific operating temperatures lower than 1500° F may be approved by the Department upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant.

(c) In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000° F.

(d) Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to the Department for authorization to utilize alternative controls. The application shall be submitted pursuant to Section 20-020 to 20-030, Chapter 340 OAR, and shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.

(4) Compliance Schedule. No later than September 5, 1971, every person operating a hardboard manufacturing plant shall submit to the Department of Environmental Quality a proposed schedule for complying with Sections (1), (2), and (3) of this regulation. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(5) Open Burning. Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any hardboard manufacturing plant and any such acts are hereby prohibited.

REGULATIONS FOR SULFITE PULP MILLS

25-350 DEFINITIONS.

(1) "Acid Plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery furnace.

(2) "Average Daily Emission" means total weight of sulfur oxides emitted in each month divided by the number of days of production that month.

(3) "Average Daily Production" means air dry tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(4) "Blow System" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(5) "Continual Monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels, ambient air levels, or concentrations on a continuous basis.

(6) "Department" means the Department of Environmental Quality.

(7) "Other Sources" means sources of sulfur oxide emissions including but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling of condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those mentioned in emission standard limitations (Section 25-360).

(8) "Particulate Matter" means a small discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water.

(9) "Recovery System" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

(10) "Sulfite Mill" or "Mill" means a pulp mill producing cellulose pulp using a cooking liquor consisting of sulfurous acid and/or a bisulfite salt.

(11) "Sulfur Oxides" Sulfur dioxide, sulfur trioxide and other sulfur oxides.

(12) "Total Reduced Sulfur (TRS)" means Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and other organic sulfides present.

25-355 STATEMENT OF PURPOSE.

It is the policy of the Commission:

(1) To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices and procedures;

(2) To require the evaluation of improved and effective measuring techniques for sulfur oxides, total reduced sulfur, particulates and other emissions from sulfite mills;

(3) To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith;

(4) To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives;

(5) To establish standards deemed to be technically feasible, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed.

25-360 MINIMUM EMISSION STANDARDS.

(1) Nothwithstanding the specific emission limits set forth in this section, the Department of Environmental Quality may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions; or for mills in areas where it is shown ambient air standards are exceeded.

(2) The total average daily emissions from a sulfite pulp mill shall not exceed 20 pounds of sulfur dioxide per ton of air dried unbleached pulp produced and in addition:

(a) the blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute per ton of unbleached pulp (charged to digester) on a 15 minute average.

(b) Emissions from the recovery system, acid plant and other sources, shall not exceed 800 ppm of sulfur dioxide as an hourly average.

(3) Mills of less than 110 ton of air dried unbleached pulp per day may be exempted from the limitations of subsection (2) above provided:

(a) That the schedule of compliance required by Section 25-365 demonstrates that a minimum of 50% collection efficiency will be maintained and that compliance will be achieved within 1 year.

(b) That the schedule of compliance required by Section 25-365 demonstrates that a minimum of 80% collection efficiency for SO$_2$ will be maintained and compliance will be achieved no later than December 31, 1975.

(c) That an approved program continually monitors ambient air to demonstrate compliance with State and Federal ambient air standards, and that a five (5) minute concentration of 0.8 ppm of sulfur dioxide is not exceeded.

(4) The total emission of particulate matter from the recovery furnace stacks shall not exceed four (4) pounds per air dried ton of unbleached pulp produced.

25-365 COMPLIANCE SCHEDULE.

Each mill shall proceed promptly with a program to bring all sources into compliance with this regulation, but in no instance shall the compliance be achieved later than July 1, 1974, (except as provided in 25-360 (3)(b)). A proposed schedule of compliance with this regulation shall be submitted within one hundred and twenty (120) days following the adoption of this regulation, or as otherwise determined by the Environmental Quality Commission. After receipt of the proposed schedule the Department shall adopt an approved compliance schedule. The proposed schedule shall include:

(1) A description of the program to determine the sulfur dioxide emissions from all sources.

(2) The dates when specific steps of the program will be completed, including but not limited to:

(a) Engineering study

(b) Purchase of equipment

(c) Erection of equipment

(d) Equipment placed in normal operation (full compliance with requlation).

(3) A description of each step in the program, including but not limited to:

(a) Engineering studies including alternative control procedures to be considered and a comprehensive time schedule for their evaluation.

(b) Performance characteristics and estimated efficiencies of control devices.

(c) Justification for the time schedule requested.

(d) Reduction in emissions resulting from each complete step.

The approval of a compliance schedule by the Department shall be based upon a showing that the mill is proceeding with all due speed to meet all requirements of this regulation.

25-370 MONITORING AND REPORTING.

(1) Each mill shall submit, within sixty (60) days of the date of adoption, a detailed sampling and testing program and time schedule for approval by the Department.

(2) The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system.

(3) Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.

(4) Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis.

(5) Unless otherwise authorized, data shall be reported by each mill at the end of each calendar month as follows:

(a) Average daily emissions of sulfur dioxides expressed as pounds of sulfur dioxide per ton of pulp produced from the blow system recovery system, and acid plant.

(b) The daily average and peak concentrations of sulfur dioxides expressed in pounds per hour and expressed in ppm of sulfur dioxide and the number of hours each day that the concentration exceeds 500 ppm.

(c) The average daily production of unbleached pulp and the maximum daily production.

(d) Mills operating under the provisions of Section 25-360 (3) shall report the results of their ambient monitoring monthly.

(6) Each mill shall furnish upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Unless otherwise prescribed, each mill shall report immediately to the Department abnormal mill operations which adversely affect the emission of air contaminants.

(7) All measurements shall be made in accordance with techniques approved by the Department. Interim procedures may be approved for use prior to completion of the studies required by Section 25-375.

25-375 SPECIAL STUDIES.

Special studies of the nature described below and having prior approval of the Department shall be conducted at each mill or through cooperation among mills. The proposed program and timetable shall be submitted to the Department within 90 days of adoption of this regulation.

(1) Develop and recommend satisfactory measuring techniques for particulates from recovery furnace stacks.

(2) Evaluate and report the emission and control methods of sulfur dioxide from other sources within the mill.

(3) Evaluate and report the emission of sulfur trioxide from recovery furnace and acid plants.

(4) Evaluate as required by local conditions emissions of TRS.

(5) Develop and recommend satisfactory continual monitoring techniques for SO_2 emissions from recovery systems and blow pit vents.

(6) Bleach plant contaminant emissions shall be measured and reported to the Department within one year of the effective date of this regulation. The report shall include a description of the processes and chemicals used, and shall report the emissions in terms

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of total emission flow rate, concentration, and mass emission rates, including but not necessarily limited to chlorine-and sulfur-containing gases.

25-380 EXCEPTIONS.

These regulations do not apply to open burning or power boiler operations conducted at sulfite pulp mills unless such boilers are an integral part of the sulfite process or recovery system.

25-385 PUBLIC HEARING.

A public hearing may be held by the Department not later than December 31, 1973, in order to review current technology and adequacy of these regulations.

25-390 NOTICE OF CONSTRUCTION AND SUBMISSION OF PLANS AND SPECIFICATIONS.

(1) Prior to the construction, installation, or establishment of a sulfite mill, a notice of construction shall be submitted to the Department as required by OAR 340, Sections 20-020 and 20-030.

(2) Addition to, or enlargement, or placement of a sulfite mill or any major alteration therein shall be construed as construction, installation, or establishment.

LATERITE ORE PRODUCTION OF FERRONICKEL

25-405 STATEMENT OF PURPOSE.

In furtherance of the public policy of the state as set forth in ORS 449.765, it is hereby declared to be the purpose of the Commission in adopting the following regulation to:

(1) Require, in accordance with a specific program and timetable, the highest and best practicable collection, treatment and control of atmospheric pollutants through the utilization of technically feasible equipment, devices and procedures necessary to attain and maintain desired air quality.

(2) Establish standards which based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and/or better technology are developed.

25-410 DEFINITIONS.

(1) "Laterite ore" means a red residual soil containing commercially valuable amounts of nickel, about 1 to 2% by weight.

(2) "Dry laterite ore" means laterite ore free of uncombined water or as it is discharged from an ore drying equipment or process.

(3) "Ferronickel" means a metallic alloy containing about 50% nickel and 50% iron.

(4) "All sources" means all equipment, structures, processes, and procedures directly related to or involved in the production of ferronickel from laterite ore excluding open storage areas and mining activities.

(5) "Average dry laterite ore production rate" means the average amount of dry laterite ore produced per hour based upon annual production records.

(6) "Particulate matter" means a small discrete mass of solid or liquid matter, but not including uncombined water.

(7) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

25-415 EMISSION STANDARDS.

(1) No source shall have visible emissions in excess of twenty (20) percent opacity, provided that where the presence of uncombined water is the only reason for failure of an emission to meet this requirement, such requirement shall not apply.

(2) The total combined emission of particulate matter from all sources shall not exceed 3.5 pounds per ton of dry laterite ore produced, based upon the average dry laterite ore production rate.

25-420 HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL REQUIRED.

Notwithstanding the specific emission limits set forth in Section 25-415 of this regulation, the highest and best practicable treatment and control currently available shall in every case be provided.

25-425 COMPLIANCE SCHEDULE.

Compliance with the specific emission standards set forth in Section 25-415 shall be accomplished on or before July 1, 1974 in accordance with an approved program and schedule.

25-430 MONITORING AND REPORTING.

(1) Emission testing shall be conducted by the industry using Department approved methods to determine compliance with this regulation.

(2) Abnormal operations which adversely affect the emission of air contaminants shall be reported to the Department within 1 hour of the occurence, or as soon as reasonably possible.

SUBDIVISION 6

AGRICULTURAL OPERATIONS

AGRICULTURAL BURNING

26-005 DEFINITIONS. As used in this general order, regulation and schedule, unless otherwise required by context:

(1) Burning seasons:

(a) "Summer Bruning Season" means the four month period from July 1 through October 31.

(b) "Winter Burning Season" means the eight month period from November 1 through June 30.

(2) "Department" means the Department of Environmental Quality.

(3) "Marginal Conditions" means conditions defined in ORS 468.450(1) under which permits for agricultural open burning may be issued in accordance with this regulation and schedule.

(4) "Northerly Winds" means winds coming from directions in the north half of the compass, at the surface and aloft.

(5) "Priority Areas" means the following areas of the Willamette Valley:

(a) Areas in or within 3 miles of the city limits of incorporated cities having populations of 10,000 or greater.

(b) Areas within 1 mile of airports servicing regularly scheduled airline flights.

(c) Areas in Lane County south of the line formed by U.S. Highway 126 and Oregon Highway 126.

(d) Areas in or within 3 miles of the city limits of the City of Lebanon.

(e) Areas on the west side of and within 1/4 mile of these highways; U.S. Interstate 5, 99, 99E, and 99W. Areas on the south side of and within 1/4 mile of U.S. Highway 20 between Albany and Lebanon, Oregon Highway 34 between Lebanon and Corvallis, Oregon Highway 228 from its junction south of Brownsville to its rail crossing at the community of Tulsa.

(6) "Prohibition Conditions" means atmospheric conditions under which all agricultural open burning is prohibited (except where an auxiliary fuel is used such that combustion is nearly complete, or an approved sanitizer is used, or burning is specifically authorized by the Department for experimental purposes pursuant to subsection 26-013(6) of this regulation or for the purpose of confirming forecasted atmospheric dispersion conditions).

(7) "Southerly Winds" means winds coming from directions in the south half of the compass, at the surface and aloft.

(8) "Ventilation Index (VI)" means a calculated value used as a criterion of atmospheric ventilation capabilities. The Ventilation Index as used in these rules is defined by the following identity:

$$VI = \frac{\text{(Effective mixing height (feet))}}{1000} \times \text{(Average wind speed through the effective mixing height (knots))}$$

(9) "Willamette Valley" means the areas of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties lying between the crest of the Coast Range and the crest of the Cascade Mountains, and include the following:

(a) "South Valley," the areas of jurisdiction of all fire permit issuing agents or agencies in the Willamette Valley portion of the Counties of Benton, Lane or Linn.

(b) "North Valley," the areas of jurisdiction of all other fire permit issuing agents or agencies in the Willamette Valley.

(10) "Commission" means the Environmental Quality Commission.

(11) "Local Fire Permit Issuing Agency" means the County Court or Board of County Commissioners or Fire Chief or a Rural Fire Protection District or other person authorized to issue fire permits pursuant to ORS 477.515, 477.530, 476.380, or 478,960.

(12) "Open Field Burning Permit" means a permit issued by the Department pursuant to ORS 468.458.

(13) "Fire Permit" means a permit issued by a local fire permit issuing agency pursuant to ORS 477.515, 477.530, 476.380 or 478.960.

(14) "Validation Number" means a unique three-part number issued by a local fire permit issuing agency which validates a specific open field burning permit for a specific acreage of a specific day. The first part of the validation number shall indicate the number of the month and the day of the issuance, the

second part the hour of authorized burning based on a 24 hour clock and the third part shall indicate the size of acreage to be burned (e.g., a validation number issued August 26 at 2:30 p.m. for a 70 acre burn would be 0826-1430-070).

(15) "Open Field Burning" means burning of any perennial grass seed field, annual grass seed field or cereal grain field in such manner that combustion air and combustion products are not effectively controlled.

(16) "Backfire Burning" means a method of burning fields in which the flame front does not advance with the existing surface winds. The method required ignition of the field only on the downwind side.

(17) "Into-the-Wind Strip Burning" means a modification of backfire burning in which Additional lines of fire are ignited by advancing directly into the existing surface wind after completing the intial backfires. The technique increases the length of the flame front and therefore reduces the time required to burn a field. As the initial burn nears approximately 85% completion, the remaining acreage may be burned using headfiring techniques in order to maximize plume rise.

(18) "Perimeter Burning" means a method of burning fields in which all sides of the field are ignited as rapidly as practicable in order to maximize plume rise. Little or no preparatory backfire burning shall be done.

(19) "Regular Headfire Burning" means a method of burning fields in which substantial preparatory backfiring is done prior to ignition of the upwind side of the field.

(20) "Approved Alternative Method(s)" means any method approved by the Department to be a satisfactory alternative method to open field burning.

(21) "Approved Interim Alternative Method" means any interim method approved by the Department as an effective method to reduce or otherwise minimize the impact of smoke from open field burning.

(22) "Approved Alternative Facilities" means any land, structure, building, installation, excavation, machinery, equipment or device approved by the Department for use in conjunction with an Approved Alternative Method or an Approved Interim Alternative Method or an Approved Interim Alternative Method for field sanitation.

(23) "Drying Day" means a 24-hour period during which the relative humidity reached a minimum less than 50% and no rainfall was recorded at the nearest measuring site.

(24) "Basic Quota" means an amount of acreage established for each permit jurisdiction, including fields located in priority areas,

in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(25) "Priority Area Quota" means an amount of acreage established for each permit jurisdiction, for fields in priority areas, in a manner to provide, as reasonably as practicable, an equitable opportunity to burn.

(26) "Effective Mixing Height" means either the maximum height of actual plume rise as determined by aircraft measurement of the calculated mixing height, whichever is greater.

(27) "Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area" means the average of the totals of cumulative hours of smoke intrusion recorded for the Eugene site and the Springfield site. Provided the Department determines a smoke intrusion to have been significantly contributed to by field burning, it shall record for each hour of the intrusion which causes the nephelometer hourly reading to exceed background levels (the average of the three hourly readings immediately prior to the intrusion) by:

(a) 5.0 x 10**-4 b-scat units or more, two hours of smoke intrusion;

(b) 4.0 x 10**-4 b-scat units or more, for intrusions after September 15 of each year, two hours of smoke intrusion;

(c) 1.8 x 10**-4 b-scat units or more but less than the applicable value in (a) or (b), one hour of smoke intrusion.

26-010 GENERAL PROVISIONS.

The following provisions apply during both summer and winter burning seasons in the Willamette Valley unless otherwise specifically noted.

(1) Priority for Burning. On any marginal day, priorities for agricultural open burning shall follow those set forth in ORS 468.450 which give perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

(2) Permits required.

(a) No person shall conduct open field burning within the Willamette Valley without first obtaining a valid open field burning permit from the Department and a fire permit and validation number from the local fire permit issuing agency for any given field for the day that the field is to be burned.

(b) Applications for open field burning permits shall be filed on Registration Application forms provided by the Department.

(c) Open field burning permits issued by the Department are not valid until acreage fees are paid pursuant to ORS 468.480(1)(b) and a validation number is obtained from the appropriate local fire permit issuing agency for each field on the day the field is to be burned.

(d) As provided in ORS 468.465(1), permits for open field burning of cereal grain crops shall be issued only if the person seeking the permits submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops (other than cereal grains, hairy vetch, or field pea crops) which require flame sanitation for proper cultivation.

(e) Any person granted an open field burning permit under these rules shall maintain a copy of said permit at the burn site or be able to readily demonstrate authority to burn at all times during the burning operation and said permit shall be made available for at least one year after expiration for inspection upon request by appropriate authorities.

(f) At all times proper and accurate records of permit transactions and copies of all permits shall be maintained by each agency or person involved in the issuance of permits, for inspection by the appropriate authority.

(g) Open field burning permit issuing agencies shall submit to the Department on forms provided, weekly summaries of field burning activities in their permit jurisdiction during the period July 1 to October 15. Weekly summaries shall be mailed and postmarked no later than the first working day of the following week.

(3) Fuel conditions shall be limited as follows:

(a) All debris, cuttings and prunings shall be dry, cleanly stacked and free of dirt and green material prior to being burned, to insure as nearly complete combustion as possible.

(b) No substance or material which normally emits dense smoke or noxious odors may be used for auxiliary fuel in the igniting of debris, cuttings or prunings.

(4) In accordance with ORS 468.450 the Department shall establish a schedule which specifies the extent and type of burning to be allowed each day. During the time of active field burning, the Department shall broadcast this schedule over the Oregon Seed Council radio network operated for this purpose, on an as needed basis, depending on atmospheric and air quality conditions.

(a) Any person open burning or preparing to open burn under these rules shall conduct the burning operation in accordance with the Department's burning schedule.

(b) Any person open burning or preparing to open burn fields under these rules shall monitor the Department's field burning schedule broadcasts and shall conduct the burning operations in accordance with the announced schedule.

(5) Any person open field burning under these rules shall actively extinguish all flames and major smoke sources when prohibition conditions are imposed by the Department.

26-011 CERTIFIED ALTERNATIVE TO OPEN FIELD BURNING.

(1) The Department may certify approved alternative methods of field sanitation and straw utilization and disposal on a permanent or interim basis provided the applicant for such certification:

(a) Provides information adequate to determine compliance with such rules and emissions standards as may be developed pursuant to subsection (2) of this section as well as other State air, water, solid waste, and noise laws and regulations; and

(b) Conducts the approved alternative method and operates any associated equipment subject to subsections (2) and (3) of this section.

(2) Pursuant to ORS 468.472 the Commission shall establish rules and emission standards for alternative methods to open field burning. Such standards shall be set to insure an overall improvement in air quality as a result of the use of the alternative as compared to the open field burning eliminated by such use.

(3) Mobile field sanitizers and other alternative methods of field sanitation specifically approved by the Department, and propane flamers are considered alternatives to open field burning for the purposes of fee refunds pursuant to ORS 468.480 and may be used subject to the following provisions:

(a) Open fires away from the machines shall be actively extinguished

(b) Adequate water supply shall be available to extinguish open fires resulting from the operation of field sanitizers.

(4) Propane flamers may be used as an approved alternative to open field burning provided that all of the following conditions are met:

(a) Field sanitizers are not available or otherwise cannot accomplish the burning.

(b) The field stubble will not sustain an open fire.

(c) One of the following conditions exist:

(A) The field has been previously open burned and appropriate fees paid.

(B) The field has been flailchopped, mowed, or otherwise cut close to the ground and loose straw has been removed to reduce the straw fuel load as much as practicable.

26-012 REGISTRATION AND AUTHORIZATION OF ACREAGE TO BE OPEN BURNED.

(1) On or before April 1 of each year, all acreages to be burned under this rule shall be registered with the local fire permit issuing agency or its authorized representative on forms provided by the Department. A nonrefundable $1.00 per acre registration fee shall be paid at the time of registration.

(2) Registration of acreage after April 1 of each year shall require:

(a) Approval of the Department.

(b) An additional late registration fee of $1.00 per acre if the late registration is determined by the Department to be the fault of the late registrant.

(3) Copies of all Registration/Application forms shall be forwarded to the Department promptly by the local fire permit issuing agency.

(4) The local fire permitting agency shall maintain a record of all registered acreage by assigned field number, location, type of crop, number of acres to be burned and status of fee payment for each field.

(5) Burn authorizations shall be issued by the local fire permit issuing agency up to daily quota limitations established by the Department and shall be based on registered feepaid acres and shall be issued in accordance with the priorities established by subsection 26-010(1) of these rules, except that fourth priority burning shall not be permitted from July 15 to September 15 of any year unless specifically authorized by the Department.

(6) No local fire permit issuing agency shall authorize open field burning of more acreage than may be sub-allocated annually to the District by the Department pursuant to section 26-013(5) of these rules.

26-013 LIMITATION AND ALLOCATION OF ACREAGE TO BE OPEN BURNED.

(1) Except for acreage to be burned under 26-013(6) and (7), the maximum acreage to be open burned under these rules shall not exceed 250,000 acres.

(2) Any revisions to the maximum acreage to be burned, allocation procedures, permit issuing procedures or any other substantive changes to these rules affecting the open field burning program for any year shall be made prior to June 1 of that year. In making these rule changes the Commission shall consult with Oregon State University (OSU) and may consult with other interested agencies.

(3) Acres burned on any day by approved alternative methods shall not be applied to open field burning acreage allocations or quotas, and such operations may be conducted under either marginal or prohibition conditions.

(4) In the event that total registration is less than or equal to the acreage allowed to be open burned under section 26-013(1) all registrants shall be allocated 100 percent of their registered acres.

(5) In the event that total registration exceeds the acreage allowed to be open burned under 26-013(1) the Department may issue acreage allocations to growers totaling not more than 110 percent of the acreage allowed under section 26-013(1). The Department shall monitor burning and shall cease to issue burning quotas when a total acreage reported burned equals the maximum acreage allowed under section 26-013(1).

(a) Each year the Department shall sub-allocate 110 percent of the total acreage allocation established by the Commission, as specified in section 26-013(1) to the respective growers on a pro rata basis of the individual acreage registered as of April 1 to the total acreage registered as of April 1.

(b) The Department shall sub-allocate the total acre allocation established by the Commission, as specified in section 26-013(1) to the respective fire permit issuing agencies on a pro rata share basis of the acreage registered within each fire permit issuing agency's jurisdiction as of April 1 to the total acreage registered as of April 1.

(c) In an effort to insure that permits are available in areas of greatest need, to coordinate completion of burning, and to achieve the greatest possible permit utilization, the Department may adjust, in cooperation with the fire districts, allocations of the maximum acreage allowed in section 26-013(1).

(d) Transfer of allocations for farm management purposes may be made within and between fire districts on a one-in/one-out basis under the supervision of the Department. Transfer of allocations between growers are not permitted after the maximum acres specified in section 26-013(1) have been burned within the Valley.

(e) Except for additional acreage allowed to be burned by the Commission as provided for in (6) and (7) of this subsection no fire district shall allow acreage to be burned in excess of their allocations assigned pursuant to (b), (c) and (d) above.

(6) Notwithstanding the acreage limitations under 26-013(1), the Department may allow experimental open burning pursuant to ORS 468.490. Such experimental open burning shall be conducted only as may be specifically authorized by the Department and will be conducted for gathering of scientific data, or training of personnel or demonstrating specific practices. The Department shall maintain a record of each experimental burn and may require a report from any person conducting an experimental burn stating factors such as:

1. Date, time and acreage of burn.
2. Purpose of burn.
3. Results of burn compared to purpose.
4. Measurements used, if any.
5. Future application of results of principles featured.

(a) Experimental open burning, exclusive of that acreage burned by experimental open field sanitizers, shall not exceed 7500 acres annually.

(b) For experimental open burning the Department may assess an acreage fee equal to that charged for open burning of regular acres. Such fees shall be segregated from other funds and dedicated to the support of smoke management research to study variations of smoke impact resulting from differing and various burning practices and methods. The Department may contract with research organizations such as academic institutions to accomplish such smoke management research.

(7) Pursuant to ORS 468.475 the Commission may permit the emergency open burning under the following procedures:

(a) A grower must submit to the Department an application form for emergency field burning requesting emergency burning for one of the following reasons;

(A) Extreme hardship documented by:

An analysis and signed statement from a CPA, public accountant, or other recognized financial expert which establishes that failure to allow emergency open burning as requested will result in extreme financial hardship above any beyond mere loss of revenue that would ordinarily accrue due to inability to open burn the particular acreage for which emergency open burning is requested. The analysis shall include an itemized statement of the applicant's net worth and include a discussion of potential alternatives and probable related consequences of not burning.

(B) Disease outbreak, documented by:

An affidavit or signed statement from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to a disease outbreak that can only be dealt with effectively and practicably by open burning.

The statement must also include at least the following:

i) time field investigation was made,
ii) location and description of field,
iii) crop,
iv) infesting disease,
v) extent of infestation (compared to normal),
vi) necessity and urgency to control,
vii) availability, efficacy and praciticability of alternative control procedures,
viii) probable damages or consequences of non-control.

(C) Insect infestation, documented by:

Affidavit or signed document from the County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists due to an insect infestation that can only be dealt with effectively and practicably by open burning. The statement must also include at least the following:

i) time field investigation was made,
ii) location and description of field,
iii) crop,
iv) infesting insect,
v) extent of infestation (compared to normal),
vi) necessity and urgency to control,
vii) availability, efficacy, and practicability of alternative control procedures,
viii) probable damages or consequences of non-control.

(D) Irreparable damage to the land documented by:

An affidavit or signed statement from County Agent, State Department of Agriculture or other public agricultural expert authority that, based on his personal investigation, a true emergency exists which threatens irreparable damage to the land and which can only be dealt with effectively and practicably by open burning. The statement must also include the following:

i) time of field investigation,
ii) location and description of field,
iii) crop,
iv) type and characteristics of soil,
v) slope and drainage characteristics of field,
vi) necessity and urgency to control,
vii) availability, efficacy and practicability of alternative control procedures,
viii) probable damages or consequences of non-control.

(b) Upon receipt of a properly completed application form and supporting documentation the Commission shall within 10 days, return to the grower its decision.

(c) An open field burning permit, to be validated subject to daily quota releases and payment of the required fee, shall be issued by the Department or that portion of the requested acreage which the Commission has approved.

(d) Application forms for emergency open field burning provided by the Department must be used and may be obtained from the Department either in person, by letter or by telephone request.

(8) The Department shall act, pursuant to this section, on any application for a permit to open burn under these rules within 60 days of registration and receipt of the fee provided in ORS 468.480.

(9) The Department may on a fire district by fire district basis, issue limitations more restrictive than those contained in these regulations when in their judgement it is necessary to attain and maintain air quality.

26-015 WILLAMETTE VALLEY SUMMER BURNING SEASON REGULATIONS

As part of the smoke management program provided for in ORS 468.470 the Department shall schedule the time, places, and amounts of open field burning according to the following provisions:

(1) As provided for in ORS 468.450 atmospheric conditions will be classified as marginal or prohibition conditions under the following criteria:

(a) Marginal Class N conditions: Forecast northerly winds and a ventilation index greater than 12.5.

(b) Marginal Class S conditions: Forecast southerly winds and a ventilation index greater than 12.5.

(b) Prohibition conditions: A ventilation index of 12.5 or less.

(2) Limitations on Burning Hours.

(a) Burning hours shall be limited to those specifically authorized by the Department each day.

(b) Unless otherwise specifically limited by the Department, burning hours may begin at 9:30 a.m. PDT, under marginal conditions but no open field burning may be started later than one-half hour before sunset or be allowed to continue later than one-half hour after sunset.

(c) The Department may alter burning hours according to atmospheric ventilation conditions when necessary to attain and maintain air quality.

(d) Burning hours may be reduced by the fire chief or his deputy when necessary to protect from danger by fire.

(3) Limitations on Locations and Amounts of Field Burning Emissions.

(a) Use of acreage quotas.

(A) In order to assure a timely and equitable distribution of burning, authorizations of acreages shall be issued in terms of single, multiple, or fractional basic quotas or priority area quotas as listed in Table 1, attached as Exhibit A and incorporated by reference into this regulation and schedule.

(B) Willamette Valley permit agencies or agents not specifically named in Table 1 shall have a basic quota and priority area quota of 50 acres only if they have registered acreage to be burned within their jurisdiction.

(C) The Department may designate additional areas as Priority Areas and may adjust the basic acreage quotas or priority area quotas of any permit jurisdiction where conditions in its judgement warrant such action.

(b) Distribution and limitation of burning under various classifications of atmospheric conditions.

(A) Prohibition. Under prohibition conditions, no fire permits or validation numbers for agricultural open burning shall be issued and no burning shall be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially completed, an approved field sanitizer is used, or where burning is specifically authorized by the Department for determining atmospheric dispersion conditions or for experimental burning pursuant to section 26-013(6) of this regulation.

(B) Marginal Class N Conditions. Unless specifically authorized by the Department, on days classified as Marginal Class N burning shall be limited to the following:

(i) North Valley: one basic quota may be issued in accordance with Table 1 except that no acreage located within the permit jurisdictions of Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portions of the Clackamas-Marion Forest Protection District shall be burned upwind of the Eugene-Springfield non-attainment area.

(ii) South Valley: one priority area quota for priority area burning may be issued in accordance with Table 1.

(C) Marginal Class S Conditions. Unless specifically authorized by the Department on days classified as Marginal Class S conditions, burning shall be limited to the following:

(i) North Valley: one basic quota may be issued in accordance with Table 1 in the following permit jurisdictions: Aumsville, Drakes Crossing, Marion County District 1, Silverton, Stayton, Sublimity, and the Marion County portion of the Clackamas-Marion Forest Protection District. One priority area quota may be issued in accordance with Table 1 for priority area burning in all other North Valley jurisdictions.

(ii) South Valley: one basic quota may be issued in accordance with Table 1.

(D) In no instance shall the total acreage of permits issued by any permit issuing agency or agent exceed that allowed by the Department for the marginal day except as provided for jurisdictions with 50 acres quotas or less as follows: when the Department has authorized one quota or less, a permit may be issued to include all the acreage in one field providing that field does not exceed 100 acres and provided further that no other permit is issued on two consecutive days.

(c) Restrictions on burning based upon air quality.

(A) The Department shall establish the minimum allowable effective mixing height required for burning based upon cumulative hours of smoke intrusions in the Eugene-Springfield area as follows:

(i) Except as provided in (ii) of this subsection, burning shall not be permitted on a marginal day whenever the effective mixing height is less than the minimum allowable height specified in Table 2, attached as Exhibit B and incorporated by reference into this regulation.

(ii) Not withstanding the effective mixing height restrictions of (i) above, the Department may authorize up to 1000 acres total for the Willamette Valley, each marginal day on a field-by-field or area-by-area basis.

(B) The total areage burned in the south Valley under southerly winds shall not exceed on a single day 46,934 acres.

(C) The Department shall prohibit burning if, based upon real-time monitoring, a violation of federal or state air quality standards is projected to occur.

(D) The Department may on a field-by-field or area-by-area basis prohibit the burning of fields which result in excessive low-level smoke.

(d) Special restrictions on priority area burning.

(A) No priority acreage may be burned on the upwind side of any city, airport, or highway within the same priority area.

(B) No south priority acreage shall be burned upwind of the Eugene-Springfield non-attainment area.

(e) Restrictions on burning techniques.

(A) The Department shall require the use of into-the-wind strip-lighting on annual grass seed and cereal crop fields when fuel conditions or atmospheric conditions are such that use of into-the-wind strip-lighting as determined by observation of test fires or prior general burning would reduce ground level smoke concentrations and specifically, except under conditions when wind directions are between 20 degrees and 90 degrees, the Department shall require such use when it is estimated that an effective mixing height over 3500 feet will not occur.

(B) The Department shall require the use of perimeter burning on all fields where no severe fire hazard conditions exist and where strip-lighting is not required. "Severe fire hazards" for purposes of this subsection means where adjacent and vulnerable timber, brush, or buildings exist next to the field to be burned.

(C) The Department shall require regular headfire burning on all fields where a severe fire hazard exists.

(f) Restrictions on burning due to rainfall and relative humidity.

(A) Burning shall not be permitted in an area for one drying day for each 0.10 inch of rainfall received at the nearest measuring station up to a maximum of four consecutive drying days.

(B) The Department may on a field-by-field or area-by-area basis waive the restrictions of (A) above when dry fields are available through special preparation or unusual rainfall patterns and wind direction and dispersion conditions are appropriate for burning with minimum smoke impact.

(C) Burning shall not be permitted in an area when relative humidity at the nearest measuring station exceeds 50 percent under forecast northerly winds or 65 percent under forecast southerly winds.

26-030 WINTER BURNING SEASON REGULATION.

(1) Classification of atmospheric conditions:

(a) Atmospheric conditions resulting in computed air pollution index values in the high range, values of 90 or greater, shall constitute prohibition conditions.

(b) Atmospheric conditions resulting in computed air pollution index values in the low and moderate ranges, values less than 90, shall constitute marginal conditions.

(2) Extent an Type of Burning.

(a) Burning Hours. Burning hours for all types of burning shall be from 9:00 a.m. until 4:00 p.m., but may be reduced when deemed necessary by the fire chief or his deputy. Burning hours for stumps may be increased if found necessary to do so by the permit issuing agency. All materials for burning shall be prepared and the operation conducted, subject to local fire protection regulation to insure that it will be completed during the allotted time.

(b) Certain Burning Allowed Under Prohibition Conditions. Under prohibition conditions no permits for agricultural open burning may be issued and no burning may be conducted, except where an auxiliary liquid or gaseous fuel is used such that combustion is essentially complete, or an approved field sanitizer is used.

(c) Priority for Burning on Marginal Days. Permits for agricultural open burning may be issued on each marginal day in each permit jurisdiction in the Willamette Valley, following the priorities set forth in ORS 468.450 which gives perennial grass seed fields used for grass seed production first priority, annual grass seed fields used for grass seed production second priority, grain fields third priority and all other burning fourth priority.

26-025 CIVIL PENALTIES.

In addition to any other penalty provided by law:

(1) Any person who intentially or negligently causes or permits open field burning contrary to the provisions of ORS 468.450, 468.455, 468.480, 476.380 and 478.960 shall be assessed by the Department a civil penalty of at least $20, but not more than $40 for each acre so burned.

(2) Any person planting contrary to the restrictions of subsection (1) of ORS 468.465 shall be assessed by the Department a civil penalty of $25 for each acre planted contrary to the restrictions.

(3) Any person who violates any requirements of these rules shall be assessed a civil penalty pursuant to OAR Chapter 340, Division 12, CIVIL PENALTIES.

26-030 TAX CREDITS FOR APPROVED ALTERNATIVE METHODS, APPROVED INTERIM ALTERNATIVE METHODS OR APPROVED ALTERNATIVE FACILITIES.

(1) As provided in ORS 468.150, approved alternative methods or approved alternative facilities are elegible for tax credit as pollution control facilities as described in ORS 468.155 through 468.190.

(2) Approved alternative facilities eligible for pollution control facilities tax credit shall include:

(a) Mobile equipment including but not limited to:

(A) Straw gathering, densifying and handling equipment.
(B) Tractors and other sources of motive power.
(C) Trucks, trailers, and other transportation equipment.
(D) Mobile field sanitizers and associated fire control equipment.
(E) Equipment for handling all forms of processed straw.
(F) Special straw incorporation equipment.

(b) Stationary equipment and structures including but not limited to:

(A) Straw loading and unloading facilities.
(B) Straw storage structures.
(C) Straw processing and in plant transport equipment.
(D) Land associated with stationary straw processing facilities.
(E) Drainage tile installations which will result in a reduction of acreage burned.

(3) Equipment and facilities included in an application for certification for tax credit under this rule will be considered at their current depreciated value and in proportion to their actual use to reduce open field burning as compared to their total farm or other use.

(4) Procedures for application and certification of approved alternative facilities for pollution control facility tax credit.

(a) Preliminary certification for pollution control facility tax credit:

(A) A written application for preliminary certification shall be made to the Department prior to installation or use of approved alternative facilities in the first harvest season for which an application for tax credit certification is to be made. Such application shall be made on a form provided by the Department and shall include but not be limited to:

(i) Name, address and nature of business of the applicant.

(ii) Name of person authorized to receive Department requests for additional information.

(iii) Description of alternative method to be used.

(iv) A complete listing of mobile equipment and stationary facilities to be used in carrying out the alternative methods and for each item listed include:

(a) Date or estimated future date of purchase.

(b) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their total farm or other use.

(v) Such other information as the Department may require to determine compliance with state air, water, solid waste, and noise laws and regulations and to determine eligiility for tax credit.

(B) If, upon receipt of a properly completed application for preliminary certification for tax credit for approved alternative facilities the Department finds the proposed use of the approved alternative facilities are in accordance with the provisions of ORS 468.175, it shall, within 60 days, issue a preliminary certification of approval. If the proposed use of the approved alternative facilities are not in accordance with provisions of ORS 468.175, the Commission shall, within 60 days, issue an order denying certification.

(b) Certification for pollution control facility tax credit.

(A) A written application for certification shall be made to the Department on a form provided by the Department and shall include but not be limited to the following:

(i) Name, address and nature of business of the applicant.

(ii) Name of person authorized to receive Department requests for additional information.

(iii) Description of the alternative method to be used.

(iv) For each piece of mobile equipment and/or for each stationary facility, a complete description including the following information as applicable:

(a) Type and general description of each piece of mobile equipment.

(b) Complete description and copy of proposed plans or drawings of stationary facilities including buildings and contents used for straw storage, handling or processing of straw and straw products or used for storage of mobile field sanitizers and legal description of real property involved.

(c) Date of purchase or initial operation.

(d) Cost when purchased or constructed and current value.

(e) General use as applied to approved alternative methods and approved interim alternative methods.

(f) Percentage of use allocated to approved alternative methods and approved interim alternative methods as compared to their farm or other use.

(B) Upon receipt of a properly completed application for certification for tax credit for approved alternative facilities or any subsequently requested additions to the application, the Department shall return within 120 days the decision of the Commission and certification as necessary indicating the portion of the cost of each facility allocable to pollution control.

(5) Certificaion for tax credits of equipment or facilities not covered in OAR Chapter 340, Section 26-030(1) through 26-030(4) shall be processed pursuant to the provisions of ORS 468.165 through 468.185.

(6) Election of type of tax credit pursuant to ORS 468.170(5).

(a) As provided in ORS 468.170(5), a person receiving the certification provided for in OAR Chapter 340, Section 26-030(4)(b) shall make an irrevocable election to take the tax credit relief under ORS 316.097, 317.072, or the ad volorem tax relief under ORS 307.405 and shall inform the Department of his election within 60 days of receipt of certification documents on the form supplied by the Department with the certification documents.

(b) As provided in ORS 468.170(5) failure to notify the Department of the election of the type of tax credit relief within 60 days shall render the certification ineffective for any tax relief under ORS 307.405, 316.097 and 317.072.

TABLE 1

FIELD BURNING ACREAGE QUOTAS

NORTH VALLEY AREAS

County/Fire District	Quota	
	Basic	Priority
North Valley Counties		
Clackamas County		
Canby RFPD	50	0
Clackamas County #54	50	0
Clackamas-Marion FPA	100	0
Estacada RFPD	75	0
Molalla RFPD	50	0
Monitor RFPD	50	0
Scotts Mills RFPD	50	0
Total	425	0

Marion County

Aumsville RFPD	100	0
Aurora-Donald RFPD	50	50
Drakes Crossing RFPD	100	0
Hubbard RFPD	50	0
Jefferson RFPD	225	50
Marion County #1	200	50
Marion County Unprotected	50	50
Mt. Angel RFPD	50	0
St. Paul RFPD	125	0
Salem City	50	50
Silverton RFPD	600	0
Stayton RFPD	300	0
Sublimity RFPD	500	0
Turner RFPD	50	50
Woodburn RFPD	125	50
Total	2575	350

Polk County

Spring Valley RFPD	50	0
Southeast Rural Polk	400	50
Southwest Rural Polk	125	50
Total	575	100

Washington County

Cornelius RFPD	50	0
Forest Grove RFPD	50	0
Forest Grove, State Forestry	50	0
Hillsboro	50	50
Washington County RFPD #1	50	50
Washington County RFPD #2	50	50
Total	300	150

Yamhill County

Amity #1 RFPD	125	50
Carlton RFPD	50	0
Dayton RFPD	50	50
Dundee RFPD	50	0
McMinnville RFPD	150	75
Newberg RFPD	50	50
Sheridan RFPD	75	50
Yamhill RFPD	50	50
Total	600	325

North Valley Total	4475	925

SOUTH VALLEY AREAS

County/ Fire District	Quota	
South Valley Counties	Basic	Priority
Benton County		
County Non-District & Adair	350	175
Corvallis RFPD	175	125
Monroe RFPD	325	50
Philomath RFPD	125	100
Western Oregon FPD	100	50
Total	1075	500
Lane County		
Coburg RFPD	175	50
Creswell RFPD	75	100
Eugene RFPD (Zumwalt RFPD)	50	50
Junction City RFPD	325	50
Lane County Non-District	100	50
Lane County RFPD #1	350	150
Santa Clara RFPD	50	50
Thurston-Walterville	50	50
West Lane FPD	50	0
Total	1225	550
Linn County		
Albany RFPD (inc. N. Albany, Palestine, Co. Unprotected Areas)	625	125
Brownsville RFPD	750	100
Halsey-Shedd RFPD	2050	200
Harrisburg RFPD	1350	50
Lebanon RFPD	325	325
Lyons RFPD	50	0
Scio RFPD	175	50
Tangent RFPD	925	325
Total	6250	1225
South Valley Total	8550	2275

TABLE 2

MINIMUM ALLOWABLE EFFECTIVE MIXING HEIGHT REQUIRED FOR BURNING BASED UPON THE CUMULATIVE HOURS OF SMOKE INTRUSION IN THE EUGENE-SPRINGFIELD AREA

Cumulative Hours of Smoke Intrusion in the Eugene-Springfield Area	Minimum Allowable Effective Mixing Height (feet)
0 - 14	no minimum height
15 - 19	4,000
20 - 24	4,500
25 and greater	5,500

SUBDIVISION 7

AIR POLLUTION EMERGENCIES

27-005 INTRODUCTION.

Notwithstanding any other regulation or standard, this emergency regulation is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the public health. These rules are adopted pursuant to: Chapter 420, Oregon Laws 1971 (HB 1504); Chapter 424, Oregon Laws 1971 (HB 1574); and ORS 449.800.

27-010 EPISODE CRITERIA.

Conditions justifying the proclamation of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency shall be deemed to exist whenever the Department determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded lead to a threat to the health of the public. In making this determination, the Department will be guided by the following criteria:

(1) "Air Pollution Forecast": An internal watch by the Department of Environmental Quality shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or by the equivalent local forecast of stagnant atmospheric conditions.

(2) "Alert": The Alert level is that concentration of pollutants at which first stage control action is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

(a) Sulfur Dioxide - 800 ug/m^3 (0.3 ppm) - 24 hour average.

(b) Particulate - 3.0 COHs or 375 ug/m^3 - 24 hour average.

(c) Sulfur Dioxide and particulate combined - 24 hour average - product of sulfur dioxide and particulate equal to:

(A) 525 (ug/m^3)(COH); or
(B) 0.2 (ppm)(COH); or
(C) 65×10^3 $(ug/m^3)(ug/m^3)$

(d) Carbon Monoxide - 17 mg/m^3 (15 ppm) - 8 hour average.

(e) Photochemical Oxidant - 200 ug/m^3 (0.1 ppm) - 1 hour average.

(f) Nitrogen Dioxide - 1130 ug/m^3 (0.6 ppm) - 1 hour average; or 282 ug/m^3 (0.15 ppm) - 24 hour average. and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(3) "Warning": The warning level indicates that air quality is continuing to degrade and that additional abatement actions are necessary. A Warning will be declared when any one of the following levels is reached at any monitoring site:

(a) Sulfur Dioxide - 1600 ug/m^3 (0.6 ppm) - 24 hour average.

(b) Particulate - 5.0 COHs or 625 ug/m^3 - 24 hour average.

(c) Combined Sulfur Dioxide and COHs - 24 hour average - product of sulfur dioxide and particulate equal to:

(A) 2100 (ug/m^3)(COH); or
(B) 0.8 (ppm)(COH); or
(C) 261 x 10^3 (ug/m^3)(ug/m^3).

(d) Carbon Monoxide - 34 mg/m^3 (30 ppm) - 8 hour average.

(e) Photochemical Oxidant - 800 ug/m^3 (0.4 ppm) - 1 hour average.

(f) Nitrogen Dioxide - 2260 ug/m^3 (1.2 ppm) - 1 hour average; or 565 ug/m^3 (0.3 ppm) - 24 hour average.

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(4) "Emergency": The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An Emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) Sulfur Dioxide - 2100 ug/m^3 (0.8 ppm) - 24 hour average.

(b) Particulate - 7 COH or 875 ug/m^3 - 24 hour average

(c) Combined Sulfur Dioxide and Particulate - 24 hour average, product of sulfur dioxide and particulate equal to:

(A) 3144 (ug/m^3)(COH); or
(B) 1.2 (ppm)(COH); or
(C) 393 x 10^3 (ug/m^3)(ug/m^3).

(d) Carbon Monoxide 0 46 mg/m^3 (40 ppm) - 8 hour average; or 69 mg/m^3 (60 ppm) - 4 hour average; or 115 mg/m^3 (100 ppm) 1 hour average.

(e) Photochemical Oxidant - 1200 ug/m^3 (0.60 ppm) - 1 hour average; or
960 ug/m^3 (0.48 ppm) - 2 hour average; or
640 ug/m^3 (0.32 ppm) - 4 hour average.

(f) Nitrogen Dioxide - 3000 ug/m^3 (1.6 ppm) - 1 hour average; or 750 ug/m^3 (0.4 ppm) - 24 hour average.

and meteorological conditions are such that this condition can be expected to remain at the above levels for twelve (12) or more hours.

(5) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met, at which time the next lower status will be assumed, until termination is declared.

27-015 EMISSION REDUCTION PLANS.

Tables I, II and III of this regulation set forth special emission reduction measures that shall be taken upon the declaration of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, respectively. Any person responsible for a source of air contaminantion shall, upon declaration of any such condition, take all actions specified in the applicable Table and shall particularly put into effect the preplanned abatement strategy for such condition.

27-020 PREPLANNED ABATEMENT STRATEGIES.

(1) Any person responsible for the operation or control of a source of air contamination shall, when requested by the Department or regional air pollution authority in writing, prepare preplanned strategies consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be desired to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Table I-III.

(2) Preplanned strategies as required by this section shall be in writing and describe the source of air contamination, contaminants and a brief description of the manner and amount in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning or Air Pollution Emergency.

(3) Preplanned strategies as required by this section shall be submitted to the Department or regional air pollution authority upon request within thirty (30) days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Department or regional authority. Matters of dispute in developing preplanned strategies shall, if necessary, be brought before the Environmental Quality Commission or Board of Directors of a regional authority, for decision.

(4) Preplanned strategies as required by this section shall be submitted to the Department or regional air pollution authority upon request within thirty (30) days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Department or regional authority. Matters of dispute in developing preplanned strategies shall, if necessary, be brought before the Environmental Quality Commission or Board of Directors of a regional authority, for decision.

(5) Municipal and county governments, or other appropriate governmental bodies, shal, when requested by the Department of Environmental Quality or regional air pollution authority in writing, prepare preplanned strategies consistent with good safety, for reducing the use of motor vehicles or aircraft within designated areas during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants from motor vehicles in accordance with the objectives set forth in Tables I-III, and shall be prepared and submitted for review and approval by the Department in accordance with subsections (2), (3) and (4) of this section. In reviewing the standby plans for local governments in counties within the territorial jurisdiction of a regional air pollution authority, the Department shall consult with said regional authority in determining the adequacy and practicability of the standby plans.

27-025 REGIONAL AIR POLLUTION AUTHORITIES.

(1) The Department of Environmental Quality and the regional air pollution authorities shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement these regulations. With the exception of sources of air contamination retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of a regional air pollution abatement strategies prescribed in Section 27-020 to the regional air pollution authority. The regional air pollution authority shall submit summaries of the abatement strategies to the Department of Environmental Quality.

(2) Declarations of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency shall be made by the appropriate regional authority, with the concurrence of the Deparment of Environmental Quality. In the event such declaration is not made by the regional authority, the Department of Environmental Quality shall issue the declaration and the regional authority shall take appropriate remedial actions as set forth in these rules.

(3) Additional responsibilities of the regional authorities shall include, but are not limited to:

- (a) Securing acceptable preplanned abatement strategies.
- (b) Measurement and reporting of air quality data to the Department of Environmental Quality.
- (c) Informing the public, news media and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and the public health.
- (d) Surveillance and enforcement of emergency emission reduction plans.

27-030 EFFECTIVE DATE.

All provisions of this regulation shall be effective September 1, 1972, provided however that:

(1) Emergency actions authorized by Chapter 424, Oregon Laws 1971 shall be immediately available.

(2) Requests for preplanned abatement strategies authorized by Section 27-020 of this regulation may be made at any time after the date of adoption of this regulation.

TABLE I

ALERT LEVEL
EMISSION REDUCTION PLAN

Part A

Motor Vehicle - Related Alert Conditions

For Alert conditions due to excessive levels of carbon monoxide, photochemical oxidants, or nitrogen dioxide, persons operating motor vehicles shall be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert area, and public transportation systems shall be requested to provide additional services in accordance with a preplanned strategy.

Part B

GENERAL ALERT CONDITIONS

For Alert conditions resulting from excessive levels of particulate matter and/or sulfur dioxide, the following measures shall be taken in the designated area:

(1) There shall be no open burning by any person of domestic, commercial, industrial or agricultural waste or debris in any form.

(2) The use of incinerators for the disposal of solid wastes, other than when said incinerator is closely integrated with a manufacturing process, shall be limited to the hours between 12 noon and 4 p.m.

(3) Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

(4) Persons responible for the operation of any source of air contaminants listed below shall take all required actions for the Alert level, in accordance with a preplanned strategy:

Source	Control Actions - Alert Level
(a) Coal, oil or wood-fired electric generating facilities	(a) Substantial reduction by utilization of fuels having low ash and sulfur content. (b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. (c) Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
(b) Coal, oil or wood-fired process steam generating facilities.	(a) Substantial reduction by utilization of fuels having low ash and sulfur content. (b) Maxumum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

	(c) Substantial reduction of steam load demands consistent with continuing plant operations.
(c) Manufacturing industries of following classifications: Primary Metals Industry Petroleum Refining Operations Chemical Industries Mineral Processing Industries Paper and Allied Products Grain Industry Wood Processing Industry	(a) Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations. (b) Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substance. (c) Maximum reduction of heat load demands for processing. (d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II

WARNING LEVEL
EMISSION REDUCTION PLAN

Part A

Motor Vehicle - Related Warning Conditions

For Warning conditions, resulting from excessive levels of carbon monoxide, photochemical oxidants, or nitrogen dioxide, the following measures shall be taken:

(1) Operation of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated areas during specified hours. Excepted from this provision are:

(a) Public transportation and emergency vehicles.

(b) Commerical vehicles.

(c) Through traffic remaining on Interstate or primary highways.

(2) At the discretion of the Department, operation of all private vehicles within designated areas or entry of vehicles into designated areas, may be prohibited for specified periods of time.

(3) Public transportation operators shall, in accordance with a preplanned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of (1) or (2) above.

Part B

GENERAL WARNING CONDITIONS

For Warning conditions resulting from excessive levels of particulate matter and/or sulfur dioxide, the following measures shall be taken:

(1) There shall be no open burning by any person of domestic, commercial, industrial or agricultural waste or debris in any form.

(2) The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

(3) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

(4) Persons responsible for the operations of any source of air contaminants listed below shall take all required actions for the Warning level, in accordance with a preplanned strategy:

Source of Air Containimation	Air Pollution Warning
(a) Coal, oil or wood-fired electric power generating facilities	(a) Maximum reduction of utilization of fuels having lowest ash and sulfur content.
	(b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	(c) Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
(b) Coal, oil or wood-fired process steam generating facilities	(a) Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
	(b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

	(c) Prepare to use a plan of action to be taken if an emergency develops.
(c) Manufacturing industries which require considerable lead time for shutdown including the following classifications: Petroleum Refining Chemical Industries Primary Metals Industries Glass Industries Paper and Allied Products	(a) Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations. (b) Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. (c) Maximum reduction of heat load demands for processing. (d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence of boiler lancing or soot blowing.
(d) Manufacturing industries which require relatively short time for shutdown including the following classifications: Primary Metals Industries Chemical Industries Mineral Processing Industries Grain Industry Wood Processing Industry	(a) Elimination of air contaminants from manufacturing operations by ceasing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. (b) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. (c) Maximum reduction of heat load demands for processing. (d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III

EMERGENCY LEVEL
EMISSION REDUCTION PLAN

(1) There shall be no open burning by any person of domestic, commercial, industrial, or agricultural waste or debris in any form.

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(2) The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

(3) All places of employment described below shall immediately cease operations:

- (a) Mining and quarrying of nonmetallic minerals.
- (b) All construction work except that which must proceed to avoid emergent physical harm.
- (c) All manufacturing establishments, except those required to have in force an air pollution emergency plan.
- (d) Wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.
- (e) All offices of local, county, and State government, including authorities, joint meetings, and other public bodies excepting chief administrative officer of local, county or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this regulation.
- (f) All retail trade establishments, except pharmacies and stores primarily engaged in the sale of food.
- (g) Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
- (h) Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios, beauty shops, barbershops, shoe repair shops.
- (i) Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, bluepringing; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.
- (j) Automobile repairs, automobile services, garages.

(k) Establishments rendering amusement and recreation services including motion picture theaters.

(1) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

(4) All commercial and manufacturing establishments not included in these rules shall institute such actions as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants, to the extent possible without causing injury to persons or damage to equipment.

(5) The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

(6) Airports shall be closed to all except emergency air traffic.

(7) Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this Emergency Level.

Source of Air Contamination	Air Pollution Emergency
(a) Coal, oil or wood-fired electric power generating facilities	(a) Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	(b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	(c) Maximum reduction by diverting electric power generation to facilities outside the Emergency area.
(b) Coal, oil or wood-fired process steam generating facilities	(a) Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	(b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	(c) Taking the action called for in the emergency plan.
(c) Manufacturing industries of the following classifications:	(a) Elimination of air contaminants from manufacturing operations by ceasing,

Primary Metals Industries
Petroleum Refining
Chemical Industires
Mineral Processing Industries
Grain Industry
Paper and Allied Products
Wood Processing Industry

curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(b) Elimination of air contaminiants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

(c) Maximum reduction of heat load demands for processing.

(d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

SUBDIVISION 8

SPECIFIC AIR POLLUTION CONTROL RULES FOR CLACKAMAS, COLUMBIA, MULTNOMAH AND WASHINGTON COUNTIES.

28-001 PURPOSES AND APPLICATION.

The rules in this subdivision shall apply in Clackamas, Columbia, Multnomah and Washington Counties. The purposes of these rules are to provide continuity of the air quality control program previously administered by the Columbia-Willamette Air Pollution Authority and to deal specially with the critical and unique air quality control needs of the four county area. These rules shall apply in addition to all other rules of the Environmental Quality Commission. The adoption of these rules shall not, in any way, affect the applicability in the four county area of all other rules of the Environmental Quality Commission and the later shall remain in full force, and effect, except as expressly provided otherwise. In cases of apparent duplication, the most stringent rule shall apply.

28-003 EXCLUSIONS.

The requirement contained in this subdivision shall apply to all activities conducted in Clackamas, Columbia, Multnomah and Washingington Counties, other than those for which specific industrial standards have been adopted (Subdivision 5 of this Division 2), except for the reduction of animal matter, Section 25-055, (1) and (2).

28-005 DEFINITIONS.

As used in this Subdivision:

(1) "Domestic Rubbish" means rubbish generated by a private dwelling housing four families or less.

(2) "Fuel burning equipment" means a device which burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat, except marine installations and internal combustion engines that are not stationary gas turbines.

(3) "Odor" means the property of a substance which allows its detection by the sense of smell.

(4) "Open outdoor fire" means the burning of any material outdoors in an open fire, a burn barrel or any similar device.

(5) "Rubbish" means non-putrescible wastes consisting of both combustible and non-combustible wastes, such as but not limited to ashes, paper, cardboard, yard clippings, wood, glass, cans, bedding, household articles and similar materials.

(6) "Special Restricted Area" means a special area established to control specific practices or to maintain specific standards.

(a) In Columbia, Clackamas and Washington Counties, Special Restricted Areas are all areas within Rural Fire Protection Districts, including the areas of incorporated cities within or surrounded by said Districts, but excluding the Timber and Tri-City Rural Fire Protection Districts.

(b) In Multnomah County, the Special Restricted Area is all area west of the Sandy River.

28-010 OPEN OUTDOOR FIRES - GENERAL.

(1) No person shall cause or permit to be ignited or maintained any open outdoor fire which is specifically prohibited by any rule of the Department.

(2) Open outdoor fires in violation of any rule of the Department shall be extinguished by the person in attendance upon notice by the Department.

28-015 OPEN OUTDOOR FIRES - DOMESTIC.

No person shall cause or permit to be ignited or maintained any open outdoor fire containing domestic rubbish within Special Restricted Areas, except such open outdoor fires are permitted:

(1) Until 1 July 1974 in Columbia County,

(2) Until 1 July 1974 in Clackamas County in

(a) Clarkes Rural Fire Protection District
(b) Estacada Rural Fire Protection District No. 69
(c) Colton-Springwater Rural Fire Protection District
(d) Molalla Rural Fire Protection District
(e) Hoodland Rural Fire Protection District
(f) Monitor Rural Fire Protection District
(g) Scotts Mills Rural Fire Protection District
(h) Aurora Rural Fire Protection District

(3) Until 1 January 1975 for the burning of wood, needle or leaf materials from trees, shrubs or plants, during the period commencing with the last Friday in October and terminating at sundown on the last Sunday in November, and the period commencing the second Friday in April and terminating at sundown on the third Sunday in May. Such burning shall be conducted in strict compliance with the applicable rules, regulations and ordinances of fire protection agencies. No open outdoor fire shall be conducted on any day when the Department

advises fire permit issuing agencies not to issue permits because of adverse meteorological or air quality conditions.

28-020 OPEN OUTDOOR FIRES - LAND CLEARING.

No person shall cause or permit to be ignited or maintained any open outdoor fire as part of any land clearing operation:

(1) In Washington County within Rural Fire Protection Districts including incorporated cities within or surrounded by said Districts.

(2) In Control Areas in Clackamas and Multnomah Counties established as:

  (a) Any area in or within three (3) miles of the boundary of any city of more than 1,000 population, but less than 45,000 population.

  (b) Any area in or within six (6) miles of the boundary of any city of 45,000 or more population.

  (c) Any area between areas established by this rule where the distance between the boundaries is three miles or less.

(3) Whenever two or more cities have a common boundary, the total population of these cities will determine the Control Area classification and the municipal boundaries of each of the cities shall be used to determine the limits of the Control Area.

(4) Whenever the boundary of a Control Area passes within the boundaries of a city, the entire area of the city shall be deemed to be in the Control Area. If the Control Area boundary within a city is between Control Area (b) and Control Area (a), the entire city shall be deemed to be in Control Area (b).

(5) The annual population estimate issued by the Center for Population Research and Census, Portland State University, shall establish which municipalities will be used for determination of Control Areas.

28-025 INCINERATORS AND REFUSE BURNING EQUIPMENT.

(1) No person shall cause, permit or maintain any emission from any refuse burning equipment which does not comply with the emission limitations of these Rules.

(2) Refuse Burning Hours.

(a) No person shall cause, permit or maintain the operation of refuse burning equipment at any time other than one-half hour before sunrise to one-half hour after sunset, except with prior approval of the Department.

(b) Approval of the Department for the operation of such equipment may be granted upon the submission of a written request stating:

i) Name and address of the applicant
ii) Location of the refuse burning equipment
iii) Description of refuse burning equipment and its control apparatus
iv) Type and quantity of refuse
v) Good cause for issuance of such approval
vi) Hours during which the applicant seeks to operate the equipment
vii) Time duration for which approval is sought

28-030 CONCEALMENT AND MASKING OF EMISSIONS.

(1) No person shall willfully cause or permit the installation or use of any device or use of any means such as dilution, which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminants which would otherwise violate rules of the Department.

(2) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant, which air contaminant causes or is likely to cause detriment to health, safety or welfare of any person.

28-040 EFFECTIVE CAPTURE OF AIR CONTAMINANT EMISSIONS.

Air contaminants which are, or may be, emitted to the atmosphere through doors, windows or other openings in a structure or which are or may be emitted from any process not contained in a structure, shall be captured and transferred to air pollution control equipment using the most efficient and best practicable hooding, shrouding or ducting equipment available. New sources shall comply at the time of installation.

28-045 ODOR CONTROL MEASURES.

(1) Control apparatus and equipment, using the highest and best practicable treatment currently available, shall be installed and operated to reduce to a minimum odor-bearing gases or odor-bearing particulate matter emitted into the atmosphere.

(2) Gas effluents from incineration operations and process after-

burners shall be maintained at a temperature of 1,400 degrees Fahrenheit for at least 0.5 second, or controlled in another manner determined by the Department to be equally or more effective.

28-050 STORAGE AND HANDLING OF PETROLEUM PRODUCTS.

(1) In volumes of greater than 40,000 gallons, gasoline or any volatile petroleum distillate or organic liquid having a vapor pressure of 1.5 psia or greater under actual storage conditions shall be stored in pressure tanks or reservoirs or shall be stored in containers equipped with a floating roof or vapor recovery system or other vapor emission control device.

(2) Gasoline or petroleum distillate tank car or tank loading facilities handling 20,000 gallons per day or more shall be equipped with submersible filling devices or other vapor emission control systems.

(3) Gasoline tanks with a capacity of 500 gallons or more, installed after 1 January 1970, shall be equipped with submersible filling device or other vapor emission control systems.

28-055 SHIPS.

While in those portions of the Willamette River and Columbia River which pass through or adjacent to Clackamas, Columbia and Multnomah Counties, each ship shall minimize emissions from soot blowing and shall be subject to the emission standards and rules for visible emissions and particulate matter size.

28-060 UPSET CONDITION.

Emission of air contaminants in excess of applicable standards as a result of equipment breakdown shall not be considered a violation of said standards provided the conditions of section 21-075 are met.

28-065 EMISSION STANDARDS, GENERAL.

Compliance with any specific emission standard in these rules does not preclude required compliance with any other applicable emission standard or requirement contained in any of the rules of the Department.

28-070 VISIBLE AIR CONTAMINANT STANDARDS.

No person owning, operating or maintaining non-fuel burning equipment sources of emissions shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than thirty (30) seconds in any one hour which is equal to or greater than 20 percent opacity.

28-075 PARTICULATE MATTER WEIGHT STANDARDS.

(1) The maximum allowable emission of particulate matter from any fuel burning equipment shall:

(a) Be a function of maximum heat input and shall be determined from Figure 1, except from existing fuel burning equipment utilizing wood residue, it shall be 0.2 grain, and from new fuel burning equipment utilizing wood residue, it shall be 0.1 grain for each standard cubic foot of exhaust gas, calculated to 12 percent carbon dioxide.

(b) Not exceed Smoke Spot #2 for distillate fuel and #4 for residual fuel, measured by ASTM D2156-65, "Standard Method for Test for Smoke Density of the Flue Gases from Distillate Fuels."

(2) The maximum allowable emission of particulate matter from any refuse burning equipment shall be a function of the maximum heat input from the refuse only and shall be determined from Figure 2.

28-080 PARTICULATE MATTER SIZE STANDARD.

No person shall cause or permit the emission of any particulate matter which is larger than 250 microns in size provided such particulate matter does or will deposit upon the real property of another person.

28-085 SULFUR DIOXIDE EMISSION LIMITATIONS.

No person shall cause or permit emission of sulfur dioxide in excess of 1000 ppm from any air contamination source, except those persons burning fuel conforming to provisions of rules relating to the sulfur content of fuels. This rule is applicable to sources installed, constructed or modified after October 1, 1970.

28-090 ODORS.

(1) No person shall cause or permit the emission of odorous matter in such manner as to contribute to a condition of air pollution, or exceed:

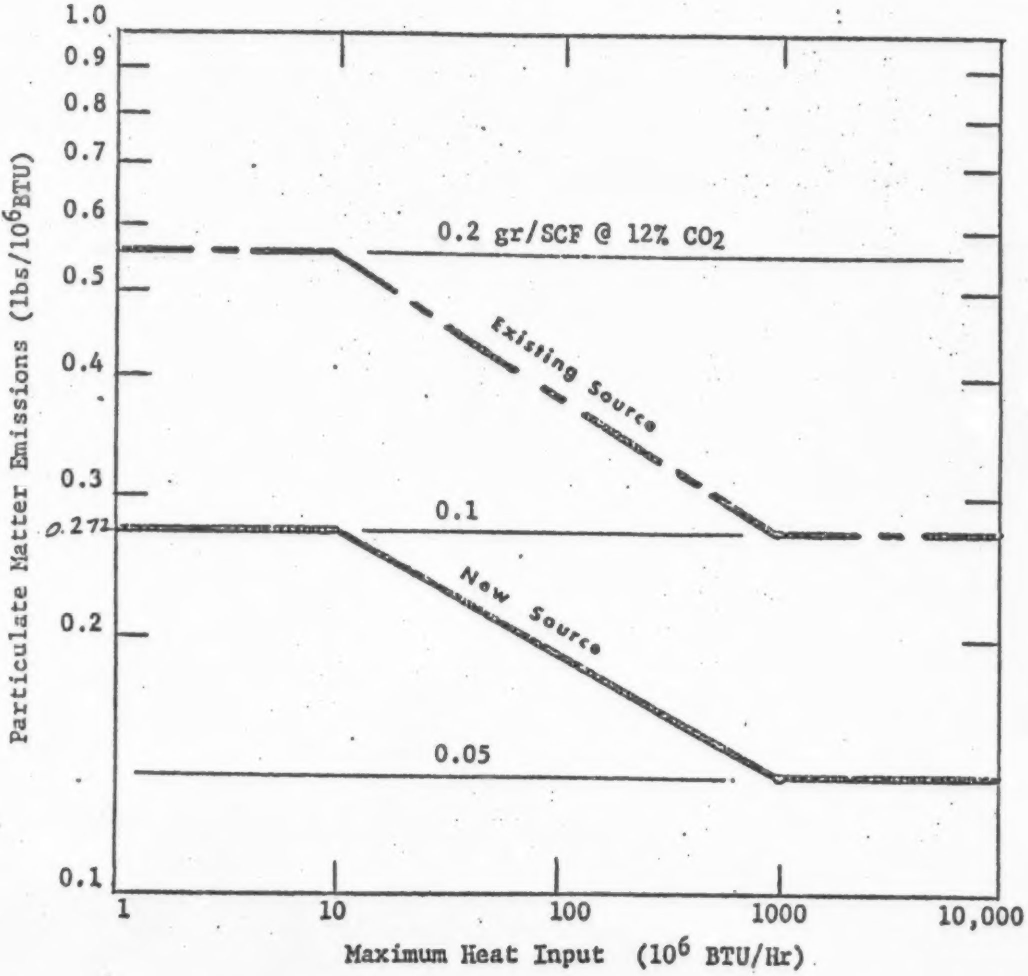
(a) A scentometer No. 0 odor strength or equivalent dilution in residential and commercial areas.

(b) A scentometer No. 2 odor strength or equivalent dilution in all other land use areas.

Scentometer Readings

Scentometer No.	Concentration Range No. of Thresholds
0	1 to 2
1	2 to 8
2	8 to 32
3	32 to 128

(2) A violation of this Rule shall have occurred when two measurements made within a period of one hour, separated by at least 15 minutes, off the property surrounding the air contaminant source exceeds the limitations of subsection (1).



PARTICULATE MATTER EMISSION STANDARDS FOR FUEL BURNING EQUIPMENT

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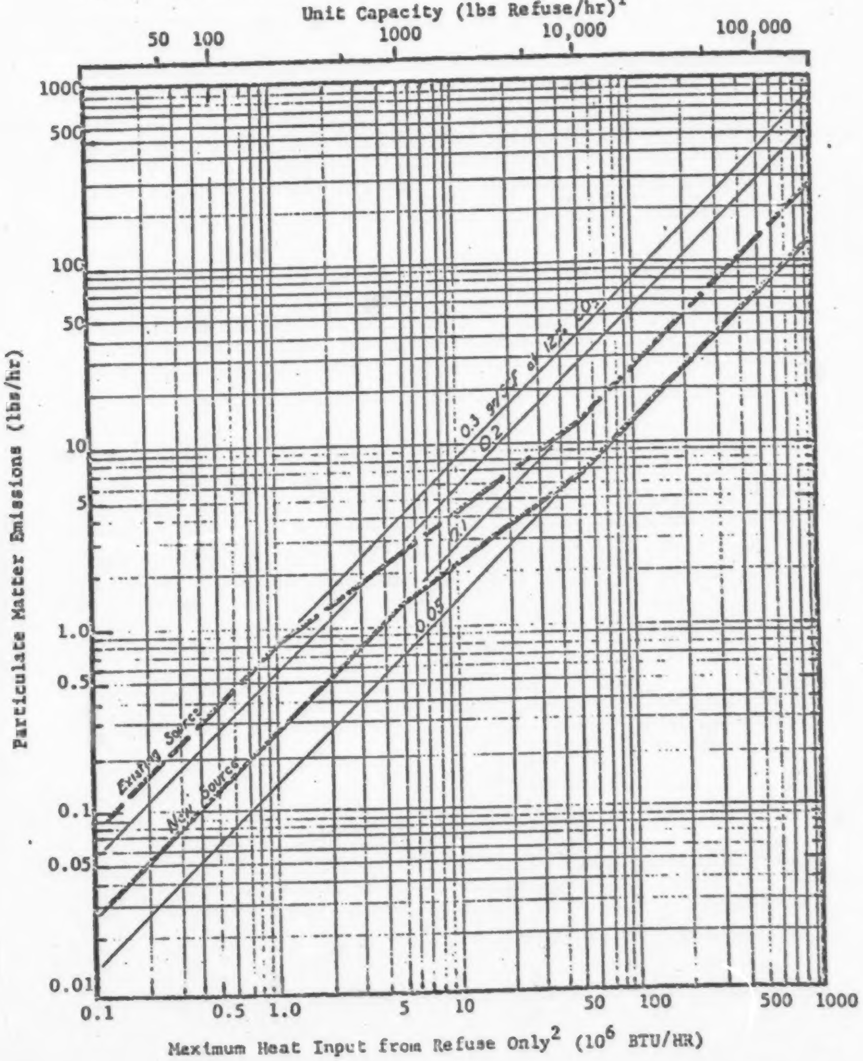
PARTICULATE MATTER EMISSION STANDARDS FOR REFUSE BURNING EQUIPMENT



[1] For refuse having heat content of 5000 BTU/lb as fired

[2] Excluding any auxiliary heat

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Figure 2

DIVISION 3

AIR POLLUTION CONTROL STANDARDS FOR AIR PURITY AND QUALITY

SUBDIVISION 1

AMBIENT AIR QUALITY STANDARDS.

31-005 DEFINITIONS.

As used in this regulation, unless otherwise required by context:

(1) "Ambient Air" means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

(2) "Equivalent Method" means any method of sampling and analyzing for an air contaminant deemed by the Department of Environmental Quality to be equivalent in sensitivity, accuracy, reproducibility and selectivity to a method approved by and on file with the Department of Environmental Quality. Such method shall be equivalent to the method or methods approved by the federal Environmental Protection Agency.

(3) "Primary Air Mass Station" means a station designed to measure contamination in an air mass and represent a relatively broad area. The sampling site shall be representative of the general area concerned. The sampler shall be a minimum of 15 feet and a maximum of 150 feet above ground level. Actual elevations should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet for sampling gaseous contaminants shall be placed approximately twenty feet above the roof top, or not less than two feet from any wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, and particle fallout jar openings not less than 5 feet above the roof top.

(4) "Primary Ground Level Monitoring Station" means a station designed to provide information on contaminant concentrations near the ground. The sampling site shall be representative of the immediate area. The sample shall be taken from a minimum of 10 feet and a maximum of 15 feet above ground level, with a desired optimum height of 12 feet. The probe inlet for sampling gaseous contaminants shall be placed not less than two feet from any building or wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, or particle fall-out jar openings not less than 5 feet, above the supporting roof top.

(5) "Special Station" means any station other than a Primary Air Mass Station or Primary Ground Level Monitoring Station.

31-010 PURPOSE AND SCOPE OF AMBIENT AIR QUALITY STANDARDS.

(1) An ambient air quality standard is an established concentration, exposure time and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded. The ambient air quality standards set forth in this subdivision are designed to protect both public health and public welfare.

(2) Ambient air quality standards are not generally intended as a means of determining the acceptability or unacceptability of emissions from specific sources of air contamination. More commonly, measured ambient air quality in comparison with ambient air quality standards is used as a criteria for determining the adequacy or effectiveness of emission standards for the aggregate of sources in a general area. However, in the case of a source or sources which are deemed to be singularly responsible for ambient air quality standards being exceeded in a particular locality, the violation of said standards shall be due cause for imposing emission standards more stringent than those generally applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, which may prevent or interfere with the attainment and maintenance of ambient air quality standards, shall be due cause for issuance of an order prohibiting such proposed construction, pursuant to ORS 449.712 and OAR Chapter 340, Section 20-030.

(3) In adopting the ambient air quality standards in this subdivision the Environmental Qualtiy Commission recognizes that one or more of the standards are currently being exceeded in certain parts of the State. It is hereby declared to be the policy of the Environmental Quality Commission to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the State at the earliest possible date, but in no case later than July 1, 1975.

31-015 SUSPENDED PARTICULATE MATTER.

Concentrations of suspended particulate matter at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

(1) 60 micrograms per cubic meter of air, as an annual geometric mean for any calendar year.

(2) 100 micrograms per cubic meter of air, 24 hour concentration for more than 15 percent of the samples collected in any calendar month.

(3) 150 micrograms per cubic meter of air, 24 hour concentration, more than once per year.

31-020 SULFUR DIOXIDE.

Concentrations of sulfur dioxide at a primary air mass station, primary ground level station, or special station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

(1) 60 micrograms per cubic meter of air (0.02 ppm), annual arithmetic mean.

(2) 260 micrograms per cubic meter of air (0.10 ppm), maximum 24 hour average more than once per year.

(3) 1300 micrograms per cubic meter of air (0.50 ppm), maximum 3 hour average, more than once per year.

31-025 CARBON MONOXIDE.

Concentrations of carbon monoxide at a primary air mass station or primary ground level stations, as measured by a method approved by and on file with the Department of Environmental Quality or by an equivalent method, shall not exceed:

(1) 10 milligrams per cubic meter of air (8.7 ppm), maximum 8 hour average, more than once per year.

(2) 40 milligrams per cubic meter of air (35 ppm), maximum 1 hour average, more than once per year.

31-030 PHOTOCHEMICAL OXIDANTS.

Concentrations of photochemical oxidants at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 160 micrograms per cubic meter (0.08 ppm), maximum 1 hour average, more than once per year.

31-035 HYDROCARBONS.

Concentrations of hydrocarbons at a primary air mass station, as measured and corrected for methane by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 160 micrograms per cubic meter of air (0.24 ppm), maximum 3 hour concentration measured from 0600 to 0990, not to be exceeded more than once per year.

30-040 NITROGEN DIOXIDE.

Concentrations of nitrogen dioxide at a primary air mass station, as measured by a method approved and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 100 micrograms per cubic meter of air (0.05 ppm), annual arithmetic mean.

31-045 PARTICLE FALLOUT.

The particle fallout rate at a primary air mass station, primary ground level station, or special station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed:

(1) 10 grams per square meter per month in an industrial area, or

(2) 5.0 grams per square meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds seventy (70) percent.

(3) 5.0 grams per square meter per month in residential and commercial areas, or

(4) 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds seventy (70) percent.

31-050 CALCIUM OXIDE (Lime Dust)

(1) Concentrations of calcium oxide present as suspended particulate at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality, or by an equivalent method, shall not exceed 20 micrograms per cubic meter in residential and commercial areas at any time.

(2) Concentrations of calcium oxide present as particle fallout at a primary air mass station, as measured by a method approved by and on file with the Department of Environmental Quality or by an equivalent method, shall not exceed 0.35 grams per square meter per month in residential and commercial areas.

MOTOR VEHICLE POLLUTION CONTROL LAWS

468.360 Definitions for ORS 468.360 to 468.405. As used in ORS 468.360 to 468.405:

(1) "Certified system" means a motor vehicle pollution control system for which a certificate of approval has been issued under subsection (3) of ORS 468.375.

(2) "Factory-installed system" means a motor vehicle pollution control system installed by the manufacturer which meets criteria for emission of pollutants in effect under federal laws and regulations applicable on September 9, 1971, or which meets criteria adopted pursuant to subsection (1) of ORS 468.375, whichever criteria are stricter.

(3) "Motor vehicle" includes any self-propelled vehicle used for transporting persons or commodities on public roads and highways, but does not include a motor vehicle of special interest as that term is defined in paragraph (c) of subsection (6) of ORS 481.205.

(4) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle. (Formerly 449.949; 1975 c.670 section 4)

emitted

468.365 Legislative findings. For purposes of ORS 468.360 to 468.405, the Legislative Assenbly finds:

(1) That the emission of pollutants from motor vehicles is a significant cause of air pollution in many portions of this state.

(2) That the control and elimination of such pollutants are of prime importance for the protection and preservation of the public health, safety, and well-being and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(3) That the state has a responsibility to establish procedures for compliance with standards which control or eliminate such pollutants.

(4) That the Oregon goal for pure air quality is the acheivement of an atmosphere with no detectable adverse effect from motor vehicle air pollution on health, safety, welfare, and the quality of life and property. (Formerly 449.951)

468.370 Motor vehicle emission and noise standards; copy to Motor Vehicles Division.

(1) After public hearing and in accordance with the applicable provisions of ORS 183.310 to 183.500, the commission may adopt motor vehicle emission standards. For the purposes of this section, the commission may include, as a part of such standards, any standards for the control of noise emissions adopted pursuant to ORS 467.030.

(2) The commission shall furnish a copy of standards adopted pursuant to this section to the Motor Vehicles Division and shall publish notice of the standards in a manner reasonably calculated to notify affected members of the public.(Formerly 449.957;1974 s.s. c 73. section 1)

468.375 Criteria for certification of motor vehicle pollution control systems and inspection of motor vehicles. The commission shall:

(1) Determine and adopt by rule criteria for certification of motor vehicle pollution control systems. In determining the criteria the commission shall consider the following:

(a) The experience of any other state or the Federal Government;

(b) The cost of the system and of its installation;

(c) The durability of the system;

(d) The ease of determining whether the system, when installed on a motor vehicle, is functioning properly; and

(e) Any other factors which, in the opinion of the commission, render such a system suitable for the control of motor vehicle air pollution or for the protection of the health, safety, and welfare of the public.

(2) Prescribe by rule the manner in which a motor vehicle pollution control system shall be tested for certification. However, no such rule shall require testing for certification more often than once during the period for which registration or renewal of registration for a motor vehicle is issued.

468.385 Prohibited acts relating to uncertified system.

(1) It is unlawful to sell, display, advertise or represent as a certified system any motor vehicle pollution control system which is not certified under ORS 468.375.

(2) It is unlawful to install or sell for installation upon a motor vehicle any motor vehicle pollution control system for which a certificate of approval has not beem issued under ORS 468.375. (Formerly 483.815)

468.390 Licensing of personnel and equipment, certification of motor vehicles.

(1) The commission by rule may:

(a) Establish criteria and examinations for the qualification of persons eligible to inspect motor vehicles and motor vehicle pollution control systems and execute the certificates required by subsection (2) of ORS 481.190, and for the procedures to be followed in such inspections.

(b) Establish criteria and examinations for the qualification of equipment, apparatus and methods used by persons to inspect motor vehicles and motor vehicle pollution control systems.

(c) Establish criteria and examinations for the testing of motor vehicles.

(2) Subject to rules of the commission, the department shall:

(a) Issue licenses to any person, type of equipment, apparatus or method qualified pursuant to subsection (1) of this section.

(b) Revoke, suspend or modify licenses issued pursuant to paragraph (a) of this subsection in accordance with the provisions of ORS 183.310 to 183.500 relating to contested cases.

(c) Issue certificates of compliance for motor vehicles which, after being tested in accordance with the rules of the commission, meet the criteria established under subsection (1) of this section and the standards adopted pursuant to ORS 468.360 to 468.395 and 468.405. (1973 c.835 section 72; 1974 s.s. c.73 section 4)

468.395 Determination of compliance of motor vehicles.

(1) The commission shall establish and maintain procedures and programs for determining whether motor vehicles for which a certificate of compliance is required under ORS 481.190 meet the minimum requirements necessary to secure a certificate.

(2) Such procedures and programs include, but are not limited to, the installation of a certified system and the adjustment, tune-up or other mechanical work performed on the motor vehicle in accordance with the requirements of the commission (Formerly 449.955)

468.400 Bond; remedy against person licensed under ORS 468.390; cancellation of license.

(1) Any person licensed to issue certificates of compliance pursuant to ORS 468.390 shall file with the department a surety bond. The bond shall be executed to the State of Oregon in the sum of $1,000. It shall be approved as to form by the Attorney General, and shall be conditioned that inspections and certifications will be made only

by persons who meet the qualifications fixed by the commission and will be made without fraud or fraudulent representations and without violating any of the provisions of ORS 468.360 to 468.405, 481,190, and 483.800 to 483.820.

(2) In addition to any other remedy that he may have, if any person suffers any loss or damage by reason of the fraud, fraudulent representations or violation of any of the provisions of ORS 468.360 to 468.405, 481.190 and 483.800 to 483.820 by a person licensed pursuant to ORS 468.390, the injured person has the right of action against the business employing such licensed person and a right of action in his own name against the surety upon the bond.

(3) The license issued pursuant to ORS 468.390 of any person whose bond is canceled by legal notice shall be canceled immediately by the department. If the license is not renewed or is voluntarily or involuntarily canceled. the sureties of the bond shall be relieved from liability accrued subsequent to such cancellation by the department. (Formerly 449.959)

468.405 Fees; collection; use.

(1) The department shall:

(a) Establish and collect fees for application, examination and licensing of persons, equipment, apparatus or methods in accordance with ORS 468.390.

(A) The fee for licensing shall not exceed $5.

(B) The fee for renewal of licenses shall not exceed $1.

(b) Establish fees for the issuance of certificates of compliance. The department may classify motor vehicles and establish a different fee for each such class. The fee for the issuance of certificates shall not exceed $5.

(2) The department shall collect the fees established pursuant to paragraph (b) of subsection (1) of this section at the time of the issuance of certificates of compliance as required by paragraph (c) of subsection (2) of ORS 468.390.

(3) On or before the 15th day of each month, the commission shall pay into the State Treasury all moneys received as fees pursuant to subsections (1) and (2) of this section during the preceding calendar month. The State Treasurer shall credit such money to the Department of Environmental Quality Motor Vehicle Pollution Account, which is hereby created. The moneys in the Department of Environmental Quality Motor Vehicle Pollution Account are continuously appropriated to the department to be used by the department solely or in

or in

conjunction with other state agencies and local units of government for:

(a) Any expenses incurred by the department and, if approved, by the Governor, any expenses incurred by the Motor Vehicles Division of the Department of Transportation in the certification, examination, inspection or licensing of persons, equipment, apparatus or methods in accordance with the provisions of ORS 468.390 and 481.190.

(b) Such other expenses as are necessary to study traffic patterns and to inspect, regulate and control the emission of pollutants from motor vehicles in this state.

(4) The department may enter into an agreement with the Motor Vehicles Division of the Department of Transportation to collect the licensing and renewal fees described in paragraph (a) of subsection (1) of this section subject to the fees being paid and credited as provided in subsection (3) of this section.

468.410 Authority to limit motor vehicle operation and traffic.

The commission and regional air pollution control authorities organized pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.225, 454.405, 454.425, 454.505 to 454. 535, 454.605 to 454.745 and this chapter by rule may regulate, limit, control or prohibit motor vehicle operation and traffic as necessary for the control of air pollution which presents an imminent and substantial endangerment to the health of persons.

468.415 Adminstration and enforcement of rules adopted under ORS 468.410.

Cities, counties, municipal corporations and other agencies, including the Department of State Police and the Highway Division, shall cooperate with the commission and regional air pollution control authorities in the administration and enforcement of the terms of any rule adopted pursuant to ORS 468.410.

468.420 Police enforcement.

The Oregon StatePolice, the county sheriff and municipal police are authorized to use such reasonable force as is required in the enforcement of any rule adopted pursuant to ORS 468.410 and may take such reasonable steps as are required to assure compliance therewith, including but not limited to:

(1) Locating appropriate signs and signals for detouring, prohibiting and stopping motor vehicle traffic; and

(2) Issuing warnings or citations. (Formerly 449.753.)

468.450 Regulation of field burning on marginal days.

(1) As used in this section:

(a) "Marginal conditions" means atmospheric conditions such that smoke and particulate matter escape into the upper atmosphere with some difficulty but not such that limited additional smoke and particulate matter would constitute a danger to the public health and safety.

(b) "Marginal day" means a day on which marginal conditions exist.

(2) In exercising its functions under ORS 476.380 and 478.960, the commission shall classify different types or combinations of atmospheric conditions as marginal conditions and shall specify the extent and types of burning that may be allowed under different combinations of atmospheric conditions. A schedule describing the types and extent of burning to be permitted on each type of marginal day shall be prepared and circulated to all public agencies responsible for providing information and issuing permits under ORS 476.380 and 478.960. The schedule shall give first priority to the burning of prennial grass seed crops used for grass seed production, second priority to annual grass seed crops used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning and shall prescribe duration of periods of time during the day when burning is authorized.

(3) In preparing the schedule required under subsection (2) of this section, the commission shall weigh the economic consequences of scheduled burnings and the feasibility of alternative actions, and shall consider weather conditions and other factors necessary to protect the public health and welfare.

(4) None of the functions of the commission under this section or under ORS 467.380 or478.960, as it relates to agricultural burning, shall be performed by any regional air quality control authority established under ORS 468.505.

(Formerly 449.840)

468.453 Definitions for ORS 468.455 to 468.490.

As used in ORS 468.455 to 468.490:

(1) "Smoke management" means the daily control of the conducting of open field burning to such times and

places and in such amounts so as to provide for the escape of smoke and particulate matter therefrom into the atmosphere with minimal intrusion into cities and minimal impact on public health and in such a manner that under existing meteorological conditions a maximum number of acres registered can be burned in a minimum number of days without substantial impairment of air quality.

(2) "Smoke management program" means a plan or system for smoke management. A smoke management program shall include, but not be limited to, provisions for:

(a) Annual inventorying and registering, prior to the burning season, of agricultural fields for open field burning;

(b) Preparation and issuance of field burning permits by affected governmental agencies;

(c) Gathering and disseminating regional and sectional meteorological conditions on a daily or hourly basis;

(d) Scheduling times, places and amounts of agricultural fields that may be open burned daily or hourly, based on meteorological conditions during the burning season;

(e) Conducting surveillance and gathering and disseminating information on a daily or more frequent basis;

(f) Effective communications between affected personnel during the burning season; and

(g) Employment of personnel to conduct the program.

468.455 Policy.

In the interest of public health and welfare it is declared to be the public policy of the state to control, reduce and prevent air pollution caused by the practice of open field burning. Recognizing that open field burning is a nontraditional area source of air pollution that is not confined to a single point of emission and recognizing that limitation or bar of the practice at this time, without having found reasonable and economically feasible alternatives to the practice could seriously impair the public welfare, the Legislative Assembly declares it to be the public policy of the state to reduce air pollution from open field burning by smoke management and to continue to seek and encourage by research and development reasonable and economically feasible alternatives to the practice of annual open field burning, all consistent with ORS 468.280.

(Formerly 449.930)

468.458 Permits for field burning; delegation of duty to deliver permits.

(1) On and after January 1, 1975, permits for open burning of perennial grass seed crops, annual grass seed crops and cereal grain crops are required in the counties listed in subsection (2) of ORS 468.460 and shall be issued by the Department of Environmental Quality in accordance with air pollution control practices and subject to the fee prescribed in ORS 468.480. The permit described in this section shall be issued in conjunction with permits required under ORS 476.380 or 478.960.

(2) The Environmental Quality Commission may by rule delegate to any county court or board of county commissioners or fire chief of a rural fire protection district the duty to deliver permits to burn acreage provided such acreage has been registered pursuant to paragraph (a) of subsection (1) of ORS 468.480 and fees have been paid pursuant to paragraph (b) of subsection (1) of ORS 468.480.

468.460 Commission rules to regulate burning pursuant to ORS 468.475.

In order to regulate open field burning pursuant to ORS 468.475:

(1) In such areas of the state and for such periods of time as it considers necessary to carry out the policy of ORS 468.280, the commission by rule may prohibit, restrict or limit classes, types and extent and amount of burning for perennial grass seed crops, annual grass seed crops and grain crops.

(2) In addition to but not in lieu of the provisions of ORS 468.475 and of any other rule adopted under subsection (1) of this section, the commission shall adopt rules for Multnomah, Washington, Clackamas, Marion, Polk, Yamhill, Linn, Benton and Lane Counties, which provide for a more rapid phased reduction by certain permit areas, depending on particular local air quality conditions and soil characteristics, the extent, type or amount of open field burning of perennial grass seed crops, annual grass seed crops and grain crops and the availability of alternative methods of field

sanitation and straw utilization and disposal.

(3) Before promulgating rules pursuant to subsections (1) and (2) of this section, the commission shall consult with Oregon State University and may consult with the Soil Conservation Service, the Agricultural Stabilization Commission, the State Soil and Water Conservation Commission and other interested agencies. The department shall advise the commission in the promulgation of such rules. The commission must review and show on the record the recommendations of the department in promulgating such rules.

(4) No regional air quality control authority shall have authority to regulate burning of perennial grass seed crops, annual grass seed crops and grass crops.

(5) Any amendments to the State Implementation Plan prepared by the state pursuant to the Federal Clean Air Act, as enacted by Congress, December 31, 1970, and as amended by Congress August 7, 1977, and Acts amendatory thereto shall be only of such sufficiency as to gain approval of the amendment by the United States Environmental Protection Agency and shall not include rules promulgated by the commission pursuant to subsection (1) of this section not necessary for attainment of national ambient air quality standards.

(Formerly 449.933)

468.465 Where burning of cereal grain permitted; department inspection; civil penalty; exception.

(1) Permits under ORS 468.458 for open field burning of cereal grain crops shall be issued in the counties listed in subsection (2) of ORS 468.460 only if the person seeking the permit submits to the issuing authority a signed statement under oath or affirmation that the acreage to be burned will be planted to seed crops other than cereal grains which require flame sanitation for proper cultivation.

(2) The department shall inspect cereal grain crop acreage burned pursuant to subsection (1) of this section after planting in the following spring to determine compliance with subsection (1) of this section.

(3) Any person planting contrary to the restrictions of subsection (1) of this section shall be assessed by the department a civil penalty of $25 for each acre planted contrary to the restrictions. Any fines collected by the department pursuant to this subsection shall be

used by the department for a smoke management program in cooperation with the Oregon Seed Council and for administration of this section.

(4) Any person planting seed crops after burning cereal grain crops pursuant to subsection (1) of this section may apply to the department for permission to plant contrary to the restrictions of subsection (1) of this section if the seed crops fails to grow. The department may allow planting contrary to the restrictions of subsection (1) of this section if the crop failure occurred by reasons other than the negligence or intentional act of the person planting the crop or one under his control.

(Formerly 449.935)

468.470 Duties and powers of department.

(1) The department shall:

(a) With the advice and assistance of the advisory committee established under ORS 468.495, adopt and implement programs for study, research and development of smoke management and of reasonable and economically feasible alternatives to the practice of open field burning, such programs to include, but not be limited to:

(A) Utilization and marketing of crop residue;

(B) Research on development of alternate crops;

(C) Research on improvement of air quality and smoke management;

(D) A study of methods of field sanitation and the economic, agronomic and environmental effects of mobile burners and other alternatives;

(E) Research on development of alternate weed, pest and disease controls; and

(F) Research on the health effects of open field burning;

(b) Provide assistance to persons wishing to obtain the use of feasible methods of field sanitation and straw utilization and disposal and, in so doing. assist in purchasing, purchase and lease to users, and promote extensive use of such methods;

(c) Receive and disburse funds, including but not limited to voluntary contributions from within and outside this state, grants and gifts;

(d) Monitor and study the impact of open field burning on air quality in the Willamette Valley;

(e) Report annually to the Legislative Committee on Trade and Economic Development on the progress being made in discovering and utilizing alternatives to open field burning and on the effectiveness of the smoke management program; and

(f) Conduct a smoke management program.

(2) The department may:

(a) Enter into contracts with public and private agencies to carry out the purposes set forth in paragraph (a) of subsection (1) of this section;

(b) Obtain patents in the name of the State of Oregon and assign such rights therein as the department considers appropriate;

(c) Employ such personnel as is required to carry out the duties assigned to it; and

(d) Sell and dispose of all surplus property of the department, including but not limited to straw-based products produced or manufactured by the department.

(Formerly 449.937)

468.472 Emission standards.

The commission shall establish emission standards for certified alternative methods to open field burning.

468.474 Power of department.

The department, in coordinating efforts under ORS 468.140, 468.150, 468.290 and 468.455 to 468.480, shall:

(1) Enforce all field burning rules adopted by the commission and all related statutes;

(2) Monitor and prevent unlawful field burning; and

(3) Aid fire districts in carrying out their responsibilities for administering field sanitation programs.

468.475 When open burning permitted; maximum acreage; emergency burning; when commission required to act on permit application.

(1) Except as provided under ORS 468.490, no person shall open burn or cause to be open burned in the counties specified in subsection (2) of ORS 468.460, perennial or annual grass seed crops used for grass seed production or cereal grain crops, unless the acreage has been registered pursuant to ORS 468.480 and the permits required by ORS 468.450, 468.458, 476.380 and 478.960 have been obtained.

(2) The maximum total registered acreage allowed to be open burned pursuant to subsection (1) of this section shall be 250,000 acres.

(3) In the event of the registration of more than the maximum allowable acres for open burning in the counties specified in subsection (2) of ORS 468.460, the commission, after consultation with the department, by rule or order may allocate permits for acreage based on particular local air quality condition, soil characteristics, the type or amount of field burning or crops, the availability of alternative methods of field sanitation, the date of registration, proportional share, or any reasonable classification. Priority shall be given to use of available alternatives to open field burning in Lane County and Priority areas in other counties listed in subsection (2) of ORS 468.460.

(4) It is the intention of the Legislative Assembly that permits shall be issued and burning shall be allowed for the maximum acreage specified in subsection (2) of this section unless:

(a) The daily determination of suitability of meteorological or other burning conditions requires that a maximum number of acres not be burned on a given day; or

(b) The commission finds after hearing that other reasonable and economically feasible alternatives to the practice of annual open field burning have been developed.

(5) The commission, upon finding of extreme hardship, disease outbreak, insect infestation or irreparable damage to the land, may by order permit emergency open burning consistent with smoke management of more acreage than allowed by subsection (2) of this section. Upon a finding of extreme danger to public health or safety, the commission may order temporary emergency cessation of all open field burning in any area of the

counties listed in subsection (2) of ORS 468.460.

(6) The commission shall act on any application for a permit under ORS 468.458 within 60 days of registration and receipt of the fee provided in ORS 468.480. The commission shall act on any application for a finding of extreme hardship within 10 days upon receipt of the application. The commission may order emergency cessation of open field burning at any time. Such other decisions as may be required under this section must be made by the commission on or before June 1 of each year.

(Formerly 449.939)

468.480 Registration of number of acres to be burned; fees; disposition of fees.

(1) (a) On or before April 1 of each year, the grower of a grass seed crop shall register with the county court or board of county commissioners or the fire chief of a rural fire protection district, or his designated representative, the number of acres to be burned in the remainder of the year. At the time of registration the Department of Environmental Quality shall collect a nonrefundable fee of $1 per acre registered. The department may contract with counties and rural fire protection districts for the collection of the fees which shall be forwarded to the department. Any person registering after the dates specified in this subsection shall pay an additional fee of $1 per acre registered if the late registration is due to the fault of the late registrant or one under his control. Late registrations must be approved by the department. Copies of the registration form shall be forwarded to the department. The required registration must be made and the fee paid before a permit shall be issued under ORS 468.458.

(b) Except as provided in paragraph (c) of this subsection, after July 2, 1975, the department shall collect a fee of $2.50 per acre of crop burned prior to the issuance of any permit for open burning of perennial or annual grass seed crops or cereal grain crops under ORS 468.140, 468.150, 468.290 and 468.455 to 468.480. The department may contract with counties and rural fire protection districts for the collection of the fees which shall be forwarded to the department.

(c) The fee required by paragraph (b) of this subsection shall be refunded for any acreage where efficient burning of stubble is accomplished with equipment using an auxiliary fuel or mobile field sanitizer which has been approved by the department for field sanitizing purposes or with any other certified alternative method to open field burning. The fee required by paragraph (b) of this subsection shall be refunded for any acreage not harvested prior to burning and for any acreage not burned.

(2) With regard to the disbursement of funds collected pursuant to subsection (1) of this section, the department shall:

(a) Pay an amount to the county or board of county commissioners or the fire chief of the rural fire protection district, for each fire protection district 50 cents per acre registered for each of the first 5,000 acres registered in the district, 35 cents per acre registered for each of the second 5000 acres registered in the district and 20 cents per acre registered for all acreage registered in the district in excess of 10,000 acres, to cover the cost of and to be used solely for the purpose of administering the program of registration of acreage to be burned, issuance of permits, keeping of records and other matters directly related to agricultural field burning.

(b) Designate and retain an amount not to exceed $500,000 for the biennium beginning July 1, 1979, to be used for the smoke management program defined in ORS 468.453. The department by contract with the Oregon Seed Council or otherwise shall organize rural fire protection districts and growers, coordinate and provide communications, hire ground support personnel, provide aircraft surveillance and provide such added support services as are necessary.

(c) Deposit the balance of acreage fees in the State Treasury to be credited to the account of the department. Such fees shall be segregated from other funds and used for the carrying out of the provisions of ORS 468.470, but if the amount designated in paragraph (b) of this subsection is not sufficient to support the carrying out of the smoke management program, the fees shall be used for the smoke management program.

(Formerly 449.941)

468.490 Experimental open field burning allowed; rules.

(1) Notwithstanding the provisions of ORS 468.475, for the purpose of improving by demonstration or investigation the environmental or agronomic effects of open field burning, the commission shall by rule, allow experimental open field burning under the direction of the department for perennial grass seed crops, annual grass seed crops and grain crops in such areas and for such periods of time as it considers necessary. Experimental open field burning includes but is not limited to:

(a) Development, demonstration or training personnel in the use of special or unusual field ignition techniques or methodologies.

(b) Setting aside times, days or areas for special studies.

(c) Operation of experimental mobile field sanitizers.

(2) The commission may allow open burning under this section of acreage for which permits have not been issued pursuant to ORS 468.475 when it finds that the experimental burning:

(a) Can, in theory, reduce the adverse effects on air quality or public health from open field burning; and

(b) Is necessary in order to obtain information on air quality, public health or the agronomic effects of an experimental form of open field burning.

(3) The department may, by rule, establish fees, registration requirements and other requirements or limitations necessary to carry out the provisions of this section.

468.495 Advisory committee; members; expenses; vacancies.

(1) To aid and assist the department in conducting the programs under paragraph (a) of subsection (1) of ORS 468.470, there is created an advisory committee which shall consist of:

(a) One member representing the Department of Environmental Quality appointed by the Director of the Department of Environmental Quality;

(b) One member representing Oregon State University appointed by the Dean of the School of Agriculture at Oregon State University;

(c) One member representing agriculture appointed by the Director of Agriculture;

(d) One member representing the public appointed by the Governor; and

(e) One member representing the Economic Development Department appointed by the Director of the Economic Development Department.

(2) Each member shall be appointed for a term of two years.

(3) Members of the advisory committee are not entitled to compensation, but at the discretion of the Governor may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to laws regulating travel and other expenses of state officers and employees.

(4) A vacancy for any cause occurring before the expiration of a term shall be filled for the unexpired term by a person appointed by the person who appointed the vacating member.
member.

(d) One member representing the public appointed by the Governor; and

(e) One member representing the Economic Development Department appointed by the Director of the Economic Development Department.

(2) Each member shall be appointed for a term of two years.

(3) Members of the advisory committee are not entitled to compensation, but at the discretion of the Governor may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to laws regulating travel and other expenses of state officers and employees.

(4) A vacancy for any cause occurring before the expiration of a term shall be filled for the unexpired term by a person appointed by the person who appointed the vacating member.
member.

481.190 When motor vehicle pollution control systems required for registration; certificates of compliance; standards; exemptions;

(1) Motor vehicles registered within the boundaries, designated in ORS 268.125, of the metropolitan service district formed under ORS chapter 268 for the metropolitan area, as defined in subsection (3) of ORS 268.020, which includes the City of Portland, Oregon, shall be equipped with a motor vehicle pollution control system and shall comply with the motor vehicle pollutant, noise control and emission standards adopted by the Environmental Quality Commission pursuant to ORS 468.370. Each of such motor vehicles which is registered as a government-owned vehicle under ORS 481.125 and not within any category of subsection (3) of this section must be certified annually as complying with the requirements of this subsection in order that such registration shall continue to be sufficient.

(2) The division shall not issue a registration or renewal of registration for a motor vehicle subject to the requirements of subsection (1) of this section unless the division receives, with the registration or renewal of registration, a completed certificate of compliance. The certificate must be signed by a person licensed and qualified pursuant to ORS 468.390 and must be dated not more than 90 days prior to the motor vehicle registration or renewal of registration date.

(3) Notwithstanding subsection (2) of this section, no certificate of compliance shall be required to accompany the application for registration for:

(a) A new motor vehicle or new motor vehicle engine when the registration results from the initial retail sale thereof.

(b) A motor vehicle manufactured prior to 1942.

(c) A motor vehicle for which a farm truck license has been issued under ORS 481.225.

(d) A motor vehicle of special interest as that term is defined in paragraph (c) of subsection (6) of ORS 481.645.

(e) A fixed load vehicle as defined in ORS 481.272.

(f) Vehicles registered under agreements provided for by ORS 481.645.

(g) Electric motor vehicles.

(4) A certificate of compliance required under this section shall be made on a form supplied by the Department of Environmental Quality and shall include such information as the department may require.

(5) Local governmental agencies providing self-testing facilities shall not be charged a fee in connection with provision of the required certificate of compliance. However, a reasonable fee covering

department expenses in administering such self-testing programs may be charged.

(6) As used in this section, "certified system," "motor vehicle" and "motor vehicle pollution control system" have the meanings given those terms in ORS 468.360.

481.200 Prohibited acts relating to certificate of compliance.

(1) No person shall make, issue or knowingly use any imitation or counterfeit of a certificate of compliance provided under ORS 481. 190.

(2) A person who violates any provision of this section commits a Class C traffic infraction, but each day of violation does not constitute a separate offense.

483.800 Definitions for ORS 483.805 and 483.825.

As used in ORS 483.805 and 483.825, the terms "certified system," "factory-installed system," "motor vehicle" and "motor vehicle pollution control system" have the meanings given in ORS 468.360.

483.805 Operation of vehicle without required air pollution control certificate of compliance prohibited; repair of unsafe or defective system required.

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(1) After the date of registration, reregistration or renewal immediately subsequent to the effective date of a rule of the Environmental Quality Commission under ORS 468.370 requiring certified or factory-installed systems on motor vehicles registered in designated counties, a motor vehicle which is required to be equipped with a certified system or factory-installed system as a prerequisite to registration under ORS 481.190 shall not be operated or left standing upon a highway unless a valid certificate of compliance has been issued for the vehicle pursuant to rules of the Environmental Quality Commission.

or factory-installed system

(2) Whenever a certificate of compliance if revoked, suspended or restricted because a certified system or factory-installed system has been found to be unsafe in actual use or is otherwise mechanically defective the defect must be corrected or the system must be brought into compliance with the rules of the commission within 30 days after such finding.

483.820 Certain acts with respect to certification of vehicle pollution system prohibited.

(1) It is unlawful to certify falsely that a motor vehicle is equipped with a functioning certified system or that the motor vehicle complies with the rules and standards of the commission.

(2) It is unlawful to falsify any information on the certificate of compliance required by subsection (1) of ORS 481.190. It is unlawful with a purpose to defraud or with intent to cause registration of a motor vehicle that would not otherwise be eligible for registration.

(3) It is unlawful to require as a condition to the issuance of a certificate of compliance required by subsection (1) of ORS 481.190 any repairs or services unnecessary for compliance with rules or standards adopted pursuant to ORS 468.360, 468.365, 468.375, and 468.395.

483.825 Disconnection of alteration of factory-installed motor vehicle air pollution control device or system prohibited.

(1) It shall be unlawful for any person to disconnect or permit to be disconnected a factory-installed motor vehicle air pollution control device or a factory-installed system, as defined in ORS 468.360, nor shall any person knowingly and wilfully permit such device or factory-installed system to become or remain inoperative.

(2) It shall be unlawful for any person to modify or alter a certified system, or a factory-installed system as defined in ORS 468.350, in a manner which decreases its efficiency or effectiveness in the control of air pollution.

(3) (a) The provisions of subsections (1) and (2) of this section do not apply when factory-installed motor vehicle air pollution control equipment, systems or devices are disconnected for the purpose of conversion to gaseous fuels.

(b) As used in this subsection, "gaseous fuels" include, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous form.

(4) The provisions of subsections (1) and (2) of this section are not intended to prohibit the use of replacement, conversion, turbocharger, or other alternative components in a certified or factory-installed system, if the components do not significantly affect the efficiency or effectiveness of the system in controlling air pollution.

LANE REGIONAL AIR POLLUTION AUTHORITY
16 OAKWAY MALL - EUGENE, OREGON 97401

TITLE 11

POLICY AND GENERAL PROVISIONS.

11-005 POLICY.

In the interest of the public health and welfare of the people, it is declared to be the public policy of the Lane Regional Air Pollution Authority to restore and maintain the quality of the air resources of the territory in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the territory. The Program of this Authority for the control of air pollution shall be undertaken in a progressive manner, and each of its objectives shall be sought to be accomplished by cooperation and conciliation amoung all the parties concerned.

11-010 CONSTRUCTION AND VALIDITY.

If any provision of these rules shall be held void or unconstitutional by judicial or other determination, all other parts of these rules which are not expressly held to be void or unconstitutional shall continue in full force and effect.

These rules are not intended to permit any practice which is a violation of any statute, ordinance, order or regulation of this Authority or any other governmental unit and no provision contained in these Rules is intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

These rules are not intended to apply to the air quality requirements for the workroom atmosphere necessary to protect the employee's health from contaminants emitted by his employer, nor are they concerned with the occupational health factors in an employer-employee relationship.

11-015 DEFINITIONS.

When used in these rules:

(1) "Agricultural Operation" means the growing of crops, the raising of fowls, animals, or bees as a gainful operation.

(2) "Air Contaminant" means the dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter of any combination thereof.

(3) "Air Pollution" means the presence in the outdoor atmosphere

of one or more air contaminants or any combination thereof in sufficient quantities and of such characteristics and of a duration as are, or are likely to be, injurious to the public welfare, to the health of human, plant or animal life or to property or which unreasonably interfere with enjoyment of life and property throughout the territory or throughout such area of the territory as shall be affected thereby.

(4) "Air Pollution Control Area" means a special area within the territory of the Authority established to control specific practices or to maintain specific standards.

(a) Air Pollution Control Area "A" includes all area within the bounds beginning at the intersection of the Lane County boundary line and the Western bounds of Section 12, T15 S, R5W; extending South to the Southwest corner of Section 13, T15S, R5W; thence West to the Northwest corner of Section 23, T15S, R5W; thence South to the Southwest corner of Section 26, T15S, R5W; thence West to the Northwest corner of Section 34, T15S, R5W; thence to the Southwest corner of Section 3, T16S, R5W; thence West to the Northwest corner of Section 9, T16S, R5W; thence South to the Southwest corner of Section 9, T16S, R5W; thence West to the Northwest corner of Section 17, T16S, R5W; thence South to the Southwest corner of Section 29, T16S, R5W; thence West to the Northwest corner of Section 36, T16S, R6W; thence South to the Southwest corner of Section 36, T16S, R6W; thence West to the Northwest corner of Section 2, T17S, R6W; thence South to the Southwest corner of Section 2, T17S, R6W; thence West to the Northwest corner of Section 9, T17S, R6W; thence South to the Southwest corner of Section 16, T17S, R6W; thence West to the Northwest corner of Section 19, T17S, R6W; thence South to the Southwest corner of Section 31, T17S, R6W; thence East to the Southeast corner of Section 32, T17S, R6W; thence South the the Southwest corner of Section of Section 9, T18S, R6W; thence East the the Southeast corner of Section 9, T18S, R6W; thence South the the Southeast corner of Section 15, T18S, R6W; thence East to the Southeast corner of Section 15, T17S, R6W; thence South to the Southwest corner of Section 26, T18S, R6W; thence East to the Southeast corner of Section 26, T18S, R6W; thence South to the Southwest corner of Section 36, T18S, R6W; thence East to the Northeast corner of Section 6, T19S, R3W; thence South to the Southeast corner of Section 30, T19S, R3W; thence West to the Northwest corner of Section 31, T19S, R3W: thence South to the Southeast corner of Section 1, T20S, R4W; thence West to the Northwest corner of Section 11, T20S, R4W; thence South to the Lane County boundary line continuing Easterly and Southerly along said boundary line to the Southern bounds of Section 23, T21S, R4W; thence East to the

Southeast corner of Section 19, T21S, R2W; thence North to the Northwest corner of Section 20, T19S, R2W; thence East to the Northeast corner of Section 24, T19S, R2W; thence South to the Southeast corner of Section 36, T19S, R2W; thence East to the Southeast corner of Section 36, T19S, R1W: thence North to the Northeast corner of Section 25, T18S, R1W; thence West to the Northwest corner of Section 30, T18S, R1W; thence North to the Northwest corner of Section 7, T18S, R1W; thence East to the Southeast corner of Section 2, T18S, R1W; thence North to the Northeast corner of Section 23, T17S, R1W; thence West to the Northwest corner of Section 21, T17S, R1W; thence North to the Northeast corner of Section 17, T17S, R1W; thence West to the Southwest corner of Section 12, T17S, R2W; thence North to the Northeast corner of Section 26, T16S, R2W; thence West to the Northwest corner of Section 28, T16S, R2W; thence South to the Southwest corner of Section 4, T17S, R2W; thence West to the Southwest corner of Section 4, T17S, R2W; thence West to the Southwest corner of Section 1, T17S, R3W: thence North to the Lane County boundary line continuing along such line in a Westerly and Northerly direction to the point of beginning.

(b) "Air Pollution Control Area "B" includes all areas within the jurisdictional bounds of the Lane Regional Air Pollution Authority not covered by Control Area "A" or Control Area "C".

(c) "Air Pollution Control Area "C" (Core area) includes all area within the bounds beginning at the Northwest corner of T17S, R4W; extending South to the Southwest corner of Section 6, T17S, R4W; thence East to the Northwest corner of Section 8, T17S, R4W; thence South to the Southwest corner of Section 32, T17S, R4W; thence East to the Northeast corner of Section 4, T18S, R4W; thence South to the Southwest corner of Section 3, T18S, R4W; thence East to the Northwest corner of Section 12, T18S, R4W; thence South to the Southwest corner of Section 13, T18S, R4W; thence East to the Northeast corner of Section 24, T18S, R4W; thence South to the Southeast corner of Section 24, T18S, R4W; thence East to the Southeast corner of Section 21, T18S, R3W; thence North to the Northeast corner of Section 21, T18S, R3W; thence East to the Northeast corner of Section 22, T18S, R3W; thence South to the Southwest corner of Section 23, T17S, R3W; thence East to the Southeast corner of Section 24, T18S, R3W; thence North to the Southeast corner of Section 1, T18S, R3W; thence East to the Southeast corner of Section 2, T17S, R2W; thence North to the Northeast corner of Section 26, T17S, R2W; thence West to the Southwest corner of Section 20, T17S, R2W; thence North to the Northwest corner of Section

20, T17S, R2W; thence We-t to the Southwest corner of Section 13, T17S, R3@; thence North to the Northwest corner of Section 13, T17S, R3W; thence West to the Southwest corner of Section 11, T17S, R3W; thence North to the Northwest corner of Section 11, T17S, R3W; thence West to the Southwest corner of Section 6, T17S, R3W; thence North to the Northwest corner of Section 31, T16S, R3W; thence West to the Northwest corner of Section 34, T16S, R4W; thence South to the Southwest corner of Section 35, T16S, R4W; thence West to the point of beginning. Control area "C: also includes all area within the bounds of the City limits of the City of Coburg, the City of Collage Grove, and the City of Junction City.

(5) "Air Pollution Control Equipment" means any equipment which has as its essential purpose a reduction (1) in the emission of air contaminants, or (2) in the effect of such emission.

(6) "Ambient Air" means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

(7) "ASTM" means the American Society for Testing Materials.

(8) "Authority" means the Lane Regional Air Pollution Authority.

(9) "Board" means the Board of Directors of the Lane Regional Air Pollution Authority.

(10) "Debris clearing" means the removal of wood, trees, brush or grass in preparation for a land improvement or construction project.

(11) "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

(12) "Domestic Rubbish" means rubbish as defined herein generated by a private dwelling.

(13) "Domestic Yard Trimmings" means non-putrescible wastes consisting of combustible dry wastes, such as yard clippings, wood, grass, tree and shrub trimmings, and like material generated by a private dwelling.

(14) "Emission" means a release into the outdoor atmosphere of air contaminants.

(15) "Emission Point" means the location, place in horizontal plane and verticle elevation at which an emission enters the outdoor atmosphere.

(16) "Existing Source" means any air contaminant source in existence prior to the date of adoption of these rules.

(17) "Fire Permit Issuing Agency" means any city fire department, rural fire protection district, water district, forest protection district, any governmental fire permit issuing agency, county court or board of county commissioners or their designated representative, as applicable.

(18) "Garbage" means putrescible animal and vegetable wastes resulting from handling, preparation, cooking and serving of food.

(19) "Gasoline" means any petroluem distillate having a Reid vapor pressure of four pounds per square inch or greater.

(20) "General Combustion Operation" means any operation in which combustion is carried on, exclusive of heat transfer operations, incineration operations and salvage operations.

(21) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhersive properties under pressure.

(22) "Heat Transfer Operation" means the combustion side of any operation which (1) involves the combustion of fuel for the principal purpose of utilizing the heat of combustion-product gases by the transfer of such heat to the process material and (2) does not transfer a significant portion of heat by direct contact between the combustion-product gases and the process material.

(23) "Heavy Industrial Lane Use Areas" means land which is designated or used for heavy industrial operations, including manufacturing.

(24) "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

(25) "Incinerator" means a combustion device specifically for the destruction by high temperature burning, of solid, semi-solid liquid, or gaseous combustible wastes. The term "incinerator" does not include devices such as open or screened barrels or drums.

(26) "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a public street or highway.

(27) "New Source" means any air contamination source installed, construction, or modified after the date of adoption of these rules.

(28) "Odor" means the property of a substance which allows its detection by the sense of smell.

(29) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

(30) "Open Outdoor Fire" or "Open Burning" meand the burning of any material outdoors rather than in an incinerator as defined in this section.

(31) "Operations" include plant, mill or facility.

(32) "Particleboard" means mat formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(33) "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

(34) "Particulate Matter" means any matter except uncombined water which exists as a liquid or solid at standard conditions.

(35) "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by the Authority in accordance with duly adopted procedures, which by its conditions authorizes the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations, or prohibitions.

(36) "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(38) "p.p.m." (parts per million) means parts of an air contaminant per million parts of air by volume.

(39) "Plywood" means a flat panel build generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(40) "Primary Air Mass Station" (PAMS) means a station designed to measure contamination in any air mass and represent a relatively broad area. The sampling site shall be a minimum of 15 feet and a maximum of 150 feet above ground level. Actual elevations should vary to prevent adverse exposure conditions caused by

surrounding buildings and terrain. The probe inlet for sampling gaseous contaminants shall be placed approximately 20 feet above the roof top, or not less than 2 feet from any wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet, and particle fallout jar openings not less than 5 feet, above the roof top.

(41) "Primary Ground Level Monitoring Station" (PGLMS) means a station designed to provide information on contaminant concentrations near the ground. The sampling site shall as representative of the immediate area. The sample shall be taken from a minimum of 10 feet and a maximum of 15 feet above ground level, with a desired optimum height of 12 feet. The probe inlet for sampling gaseous contaminants shall be placed not less than 2 feet from any building or wall. Suspended particulate filters shall be mounted on the sampler and placed not less than 3 feet or particle fallout jar openings not less than 5 feet, above the supporting roof top.

(42) "Process Unit" - A process unit will include all equipment and appurtenances for the processing of bulk material which are united physically by conveyor or chute or pipe or hose for the movement of product material provided that no portion or item of the group will operate separately with product material not common to the group operation. Such a grouping is considered as encompassing all the equipment used from the point of initial charging or feed to the point or points of discharge of material where such discharge will (1) be stored, or (2) proceed to a separate process, or (3) by physically separated from the equipment comprising the group.

(43) "Process Weight" means total weight of the materials, including solid fuels but not including liquid and gaseous fuels and combustion air, introduced into any process unit which may cause any emission into the atmosphere.

(44) "Program Director" means the Program Director of the Lane Regional Air Pollution Authority, or his deputy acting in his capacity as such deputy or any staff member acting under orders of the Program Director.

(45) "p.s.i.a." (pounds per square inch absolate) means intensity of pressure referred to vacuum as zero.

(46) "Refuse" means unwanted matter.

(47) "Refuse Burning Equipment" means a device designed to reduce the volume of solid, liquid or gaseous refuse by combustion.

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(48) "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5, or Grade 5 fuel oils.

(49) "Ringelmann Chart" means the Ringelmann Smoke Chart with instructions for use as published in May, 1967, by the United States Bureau of Mines.

(50) "Rubbish" means non-putrescible wastes consisting of both combustible and non-combustible wastes, such as but not limited to ashes, paper, cardboard, glass, cans, bedding, household articles and similar materials.

(51) "Salvage Operation" means any operation in which combustion is carried on for the principal purpose, or with the principal result, of salvaging metals which are introduced into the operation as essentially pure metals, or alloys thereof, by oxidation of physically intermingled combustible materials; but excludes operations in which there is complete fusion of all such metals.

(52) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible material present in sufficient quantity to be obserable, or, as suspension in a gas of solid particles in sufficient quantity to be obserable.

(53) "Special Station" means any station that does not meet the criteria or purpose of a primary air mass station or a primary ground level monitoring station.

(54) "Standard Conditions" means a gas temperature of 70 degrees Fahrenheit and gass pressure of 14.7 pounds per square inch absolute.

(55) "Standard Cubic Foot" (SCF) means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at standard conditions.

(56) "Suspended Particulate Matter" means that particulate matter which remains suspended in the atmosphere for a significant length of time.

(57) "Tempering Oven" means any facility used to bake hardboard following an oil treatment process.

(58) "Territory" means all areas within the boundaries of Lane Regional Air Pollution Authority.

(59) "Threshold Level of Olfactory Detection" means the odor perception threshold for 50 percent of the odor panel as determined by the ASTM procedure DI 391-57 Standard Mehtod of

Measurement of Odor in Atmospheres (Dilution method), or an equivalent method.

(60) "Uncombined Water" means water which is not chemically bound to a substance.

(61) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness, formed by slicing or peeling from a log.

(62) "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.

LANE REGIONAL AIR POLLUTION AUTHORITY
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TITLE 12

GENERAL DUTIES AND POWERS OF BOARD AND DIRECTOR.

12-005 DUTIES AND POWERS OF BOARD OF DIRECTORS.

(1) The Lane Regional Air Pollution Authority was established 1 January 1968 in accordance with an agreement between the governing bodies of Lane County, City of Eugene, and City of Springfield, under the provisions of, and its authority and powers are derived from, Oregon Revised Statutes 449.760 to 449.830 and 449.850 to 449.920.

(2) In its exercise of this authority and power, the Lane Regional Air Pollution Authority:

(a) May apply to and receive funds from the State, from the Federal Government and from public and private agencies and expend such funds for the purpose of air pollution control, studies and research and enter into agreements with the State or the Federal Government for the purpose of organizing and operating a regional air pollution authority.

(b) May adopt rules and standards necessary to:

(A) Require registration of each source and person who is responsible for the emission of air contaminants.

(B) Carry out its functions as authorized by Oregon Revised Statutes and the Environmental Quality Commission.

(c) May not adopt any rule or standard that is less strict than any rule, regulation or standard of the Environmental Quality Commission.

(d) Must submit to the Environmental Quality Commission for its approval, all quality and purity of air standards adopted by the Authority prior to enforcing such standards.

(e) May enforce its rules and standards over both incorporated and unincorporated areas within the territory of the Authority, regardless of whether the governing body of a city within the territory of the Authority is participating in the regional authority.

(f) Shall enforce the rules, regulations and orders of the Environmental Quality Commission insofar as it is required to do so by the Environmental Quality Commission.

(g) May not exercise jurisdiction for air pollution control over pulp and paper mills, primary metal plants, nuclear power plants, mobile sources (motor vehicles, air craft, etc.) and agricultural field burning operations, which jurisdiction is specifically retained by the Environmental Quality Commission.

(h) Shall have, except as specifically otherwise retained by the Environmental Quality Commission, the exclusive duty and responsibility in the territory of the Lane Regional Air Pollution Authority to:

 (1) Prepare and develop a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution in any area in which air pollution is found already existing or in danger of existing, recognizing varying requirements for different areas.

 (2) Encourage volunary cooperation by all persons controlling air pollution and air contaminants.

 (3) Encourage the formulation and executive of plans in conjunction with civic associations of counties, cities, industries, and other persons who severally or jointly are, or may be responsible for, the source of air pollution, for the prevention and abatement of air pollution.

 (4) Cooperate with the appropriate agencies of the United States, the State of Oregon or other cities or any interested agencies with respect to the control of air pollution and air contaminants.

 (5) Conduct or cause to be conducted, studies and research with respect to air pollution sources, control, abatement or prevention.

 (6) Conduct or supervise programs of air pollution control education including the preparation and distribution of information regarding air pollution sources and control.

(7) Determine by means of field studies and sampling the degree of air pollution in the various areas.

(i) Shall have, except as specifically otherwise retained by the Environmental Quality Commissiton, the exclusive power in the territory of the Lane Regional Air Pollution Authority to:

(1) Establish areas and prescribe the degree of air pollution or air contamination that may be permitted therein as air purity standards for such areas. In determining air purity standards, the Authority shall take into account the following factors:

(a) The quantity or characteristics of air contaminants or the duration of their presence in the atmosphere which may cause air pollution in the particular area;

(b) Existing physical conditions and topography;

(c) Prevailing wind directions and velocities;

(d) Temperatures and temperature inversion periods, humidity, and other atmospheric conditions;

(e) Possible chemical reactions between air contaminants or between such air contaminants and air gases, moisture or sunlight;

(f) The predominant character of development of the area, such as residential, highly developed industrial area, commercial or other characteristics;

(g) Availability of air pollution control equipment;

(h) Economic feasibility of air pollution control equipment;

(i) Effect on normal human health of particular air contaminants;

(j) Effect on efficiency of industrial operation resulting from use of air pollution control equipment;

(k) Extent of danger to property in the area reasonably to be expected from any particular air contaminants;

(1) Interference with reasonable enjoyment of life by persons in the area which can reasonably be expected from air contaminants;

(m) The volume of air contaminants emitted from a particular class of air contamination sources;

(n) The economic and industrial development of the area and the maintenance of public enjoyment of the area's natural sources;

(o) Other factors which the Authority may find applicable.

(2) Establish air quality standards for the entire territory or part thereof which shall set forth the maximum amount of air pollution permissible in various categories of air contaminants and may differentiate between different parts of the territory, different air contaminants and different air pollution sources or classes thereof. Such standards may be changed from time to time by the Authority following public hearings. Establishment of such standards shall be prerequiste to any specific order relating to air pollution in any area where research has proven that standards can be established.

(j) Shall have, except as specifically otherwise retained by the Environmental Quality Commission, the exclusive power in the territory of the Lane Regional Air Pollution Authority to enforce the law applicable thereto, and in particular to:

(1) Formulate, adopt, promulgate, amend and repeal general rules and regulations which control, reduce or prevent air pollution in such areas as shall or may be affected by air pollution, and to include general provisions applicable for controlling air contaminants in accordance with the policy and purpose of the Lane Regional Air Pollution Authority.

(2) Hold public hearings, conduct investigations, subpoena witnesses to appear, administer oaths, and affirmations, take depositions and receive such

pertinent and relevant proof as it may deem necessary or proper in order that it may effectively discharge its duties, powers and responsibilities to control and abate air pollution.

(3) Make findings of fact and determinations.

(4) Issue orders to require prevention or correction of air pollution or emissions of air contaminants which violates the air quality standards of these rules.

(5) Institute actions for such penalties as are herein-after prescribed with respect to a violation of any provision of any rule or regulation or any order which it may issue; provided, however, that no penal action shall be instituted against the state or any agency, department or bureau thereof, or against any unit of local government, or an officer or employee of any of them, for acts, or omissions or violations done in their official functions or in performance of their official duties.

(6) Institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with the rules and regulations of the Authority, the laws of the State of Oregon and the standards set forth therein.

(7) Institute or cause to be instituted a suit for injunction to prevent any further or continued violation of the air quality standards of these rules or an order of the Authority, and to compel compliance, if measures to prevent or correct air pollution or emission of air contaminants are not taken in accordance with an order of the Authority.

(8) Do any and all other acts and things not inconsistent with any provisions of these rules which it may deem necessary or proper for the effective enforcement of these rules and the applicable law.

(k) The Board shall appoint a Program Director competent in the field of air pollution control who shall enforce the provisions of these Rules and all orders, ordinances, resolutions, or regulations of this Authority. The Program Director shall be the Chief Deputy of the Board of Directors under these rules and procedures.

12-010 DUTIES AND FUNCTION OF THE PROGRAM DIRECTOR.

The Program Director shall seek compliance with the air quality standards of these Rules by cooperation and conciliation among all the parties concerned. If compliance is not obtained through such means, the Program Director:

(1) Shall make findings of fact and determination as to noncompliance with the provisions of these rules which he may issue informally to the affected parties.

(2) Shall issue Notice of Violation to the person responsible for an emission of contaminants into the air in violation of these rules.

(3) Shall send a confirmation letter to the responsible person by certified mail notifying of the violation, including the specific source or sources involved, the specific rule violated, providing general recommendations to accomplish compliance and requiring a report in writing submitted to the Program Director describing the actions taken within specific time periods. The confirmation letter shall provide for compliance within 20 days from the date of the letter. Within the 20 days, the person to whom the letter was directed may apply for additional time, which may be granted only on a showing of good cause and then only at the discretion of the Board of Directors.

(4) If a violation occurs after the time period stated in the confirmation letter and an acceptable proposal for compliance has not been received, a conference with the Program Director, or staff member so designated, and the responsible person will be set. At least 10 days notice will be given to the responsible person, setting the date, time and place of the conference. If the responsible person or his authorized representative does not present a schedule for compliance that is acceptable to the Program Director or staff member so designated, any subsequent violation will be cause for judicial process to be instituted.

(5) May enter, after four hours notice, if such notice is requested by the person responsible for compliance, during operation hours, any property, premises or place for the purpose of investigating either an actual or suspected source of air pollution or air contamination or to ascertain compliance or noncompliance with these rules or any properly issued order. Upon written notice to this Authority, any information relating to secret process, device, or method of manufacturing or production obtained in the course of inspection or investigation shall be kept confidential and shall not be made a part of public record or hearing.

(6) May, as authorized by the Board of Directors, employ persons, including specialists and consultants, and purchase materials and supplies necessary to carry out the purposes of these rules.

(7) Shall recommend to the Board of Directors the adoption of such rules and procedures as are necessary to facilitate the equitable administration of these rules within their intent.

(8) Shall submit to the Advisory Committee and Board of Directors a monthly and annual report of activities undertaken pursuant to these rules.

(9) Shall undertake a community eduction program to provide the citizens of the territory of the Authority with a better understanding of the nature of air pollution and its control.

(10) Shall advise any fire permit issuing agency having jurisdiction in the territory, that meteorological conditions existing in a specific area are such that open burning, under fire permits issued by it, would have an adverse effect on air quality.

(11) Shall institute or cause to be instituted in the name of the Authority after approval of the Board a suit for injunction to prevent any further or continued violation of the Rule or order.

(12) Shall produce and permit the inspection and copying by any member of the public, any emission data reported by source owners or operators or otherwise obtained by the Authority, except for data which as been determined by the Board to be 'confidential information' pursuant to Section 12-025.

(13) Shall correlate emission data reported by source owners or otherwise obtained by the Authority with applicable emission limitations or other measures. As used in this paragraph, 'correlate' means to present in such a manner as to show the relationship between measured or estimated amounts of emission and the amounts of such emissions allowable under the applicable emission limitations or other measures.

(14) May impose civil penalties according to the provisions of ORS 449.967 through 449.970 and scheduled penalties adopted by the Environmental Quality Commission.

(15) The Program Director may enter during operation hours, onto property, into premises or places within the territory for the purpose of investigating either an actual or suspected

air contaminant source or to ascertain compliance or noncompliance with these rules or any issued order.

(16) The Program Director may affix a seal, stating use is prohibited, to any air contamiant source when requested or permitted by the owner or operator. A seal may be placed on a bypass of air pollution control equipment. This seal may be broken by the responsible party of the air contaminant source in the event of an upset conditions.

No person shall willfully interfere with or obstruct the actions of Authority personnel in the performance of any lawful duty.

12-015 CIVIL PENALTIES.

(See Section 12-010 14)

12-020 ADVISORY COMMITTEE

(1) An advisory committee is appointed by the Board of Directors to advise the Authority in matters pertaining to the air pollution control program of the Authority and particularly as to methods and procedures for the protection of public health and welfare and of property from the adverse effects of air pollution, and on matters relative to legislation.

(2) The advisory committee shall consist of at least seven members appointed for a term of one year with at least one representative from each of the following groups from within the territory of the Authority:

- (a) Public Health Service Agents
- (b) Agriculture
- (c) Industry
- (d) Community Planning
- (e) General Public
- (f) Fire Suppression Agencies

(3) The advisory committee shall select a chairman and vice-chairman and such other officers as it considers necessary and shall meet as frequently as it or the Board of Directors considers necessary. Members shall serve without compensation.

12-025 CONFIDENTIAL INFORMATION.

Whenever any records or other information furnished to or obtained by the Authority related to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production submit proof in writing satisfactory to the Board, such records or information shall be only for the confidential use of the Authority; provided, however, that nothing contained in these regulations shall prohibit the Authority from using such records or information as deemed necessary by the Authority, in its sole discretion, in the inforcement of provisions of these regulations or the laws of the State of Oregon against such owner or operator. Nothing in this section shall be construed to make confidential any information as to the composition or amount of air contaminant emissions from any source or sources.

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TITLE 21

REGISTRATION, REPORTS, AND TEST PROCEDURES.

21-005 REGISTRATION OF SOURCES.

(1) Except as otherwise exempted by these rules, each person who is responsible for emission of air contaminants, whether or not limits are established by these rules for emission of such contaminants, shall file with the Program Director on forms provided by him, (1) the name, address and nature of business, (2) the name of the local person responsible for compliance with these rules, (3) information on daily amount of refuse and methods of refuse disposal, (4) information on fuel used for space heat, process heat, or power generation, (5) information on process data and equipment or methods for control of emissions and (6) such other relevant information requested by the Program Director.

(2) The registration required in subsection (1) of this section shall be made within thirty (30) days following the date of mailing of registration forms by the Program Director.

(3) Every applicant for a building permit, which building will contain an operation or process resulting in emission of air contaminants, shall file with said building permit application on forms provided by the Program Director, information or estimates relating to (1) type of occupancy (2) name, address and nature of business, (3) daily amount of refuse and method of disposal, (4) information on fuel used for space heat, process heat or power generation, (5) equipment or methods for control of emissions, and (6) such other relevant information requested by the Program Director.

(4) Each person subject to the requirements in subsections (1) and (3) of this section shall maintain such registration in current status by re-registering with the Program Director if any substantial change is made affecting the information on file furnished in compliance with subsections (1) and (3) of this section.

(5) Any information relating to secret process, device or method of manufacturing or production data submitted in compliance with subsections (1) and (3) of this section, or in compliance with any other rule of this Authority, shall be kept confidential and shall not be a part of a public record or hearing.

(6) Each registration shall be signed by the owner, lessee or their agent to verify the registration information.

(7) The following sources of emission of air contaminants shall be exempt from the registration provisions of these rules:

  (a) Internal combustion engines installed in mobile equipment units.

  (b) Ships and aircraft not otherwise included under subsection (7)(a).

(8) The person who has registered pursuant to Section 21-005 of these Rules shall be the person responsible for compliance with these Rules.

(9) If no registration has been filed, then the person apparently in possession of the premises shall be responsible for compliance with these Rules.

(10) Any person responsible for compliance with the Air quality standards of these Rules shall determine the means, the methods, process, equipment and operations to comply with the standards.

21-010 AUTHORITY TO CONSTRUCT.

(1) Except for those sources listed in Section 21-005 of these Rules, no person shall construct, install or establish a new air contaminant source of any class or classes listed in subsection (2) of this section without first notifying the Authority in writing.

(2) Classes of Sources

  (a) Air Pollution Control Equipment
  (b) Fuel burning equipment, (except in one or two family dwellings).
  (c) Refuse burning equipment
  (d) Process equipment.

(3) For the purpose of this Section, addition to or enlargement or replacement of an air contamination source, or any major atleration or modification that significantly affects the emissions of air contaminants shall be considered as construction or installation or establishment of a new air contaminant source.

21-015 SUBMISSION OF PLANS AND SPECIFICATIONS.

(1) Plans and specifications, drawn in accordance with acceptable engineering practices, for any equipment under Section 21-010 of

these Rules proposed for installation or for modification of any air pollution control equipment or any incinerator already installed, shall be submitted to the Program Director for review prior to construction and installation. Plans and specifications will include the estimated quantities of input and output of the air contaminants together with estimated efficiency of the air pollution control equipment. A description of the process and a related flow chart shall accompany the plans and specifications for the air pollution control equipment or incinerators. Sufficient information shall be included to show that the proposed equipment or control apparatus will meet the emission standards as now set forth in these Rules. The Authority may request corrections and revisions to the plans and specifications, if so necessary to insure compliance with these Rules. A copy of the plans and specifications will be retained by the Program Director.

(2) Plans for equipment under Section 21-010 of these rules may be submitted by the person responsible for compliance with the provisions of these rules to the Program Director for his review and opinion as to the adequacy of the equipment.

21-020 NOTICE OF APPROVAL.

The Authority shall, upon determining that the proposed construction is in the opinion of the Authority in accordance with the provisions of these rules, promptly notify the person who gave notice that construction may proceed. Issuance of notice to proceed with construction shall not relieve the owner of the obligation of complying with the emission standards of these rules.

21-025 DEVIATION FROM APPROVED PLANS OR SPECIFICATIONS.

Deviation from approved plans or specifications, without the written permission of the Director or his representative, shall constitute a violation of these Rules.

21-030 ORDER PROHIBITING CONSTRUCTION - ORDER POSTING.

(1) If within 60 days of receipt of plans, specifications, or any subsequently requested revisions or corrections to the plans and specifications or any other information required pursuant to this Section, the Authority determines that the proposed construction, installation or establishment is not in accordance with the provision of these rules, it shall issue an order prohibiting the construction, installation, or establishment of the air contamination source or sources.

(2) Any person against whom the order is directed may, within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the Program Director. The hearing shall be conducted pursuant to the applicable provisions of ORS Chapter 183.

(3) The Authority may require any order or other notice to be displayed on the premises designated. No person shall mutilate, alter or remove such order, or notice unless authorized to do so by the Authority.

21-035 NOTICE OF COMPLETION.

Notice shall be provided in writing to the Authority of the completion, installation or establishment and the date which operation will commence. The Authority following receipt of notice of completion shall inspect the construction, installation or establishment.

21-040 COMPLIANCE SCHEDULES.

(1) A reasonable time for compliance with these Rules shall be allowed by the Program Director to any person who will not be in compliance with these rules on the effective date, or to any person found by the Program Director at a later date not in compliance. The Program Director in his discretion shall establish a time for compliance which shall include the following: Time for engineering, time for procurement, time for fabrication, and time for equipment installation and adjustment.

(2) Persons responsible for emissions which will not be in compliance with these rules on their effective date, or persons responsible for emissions found by the Program Director at a later date not in compliance, shall submit to the Board for approval a schedule of compliance containing estimates of times as specified in subsection (1) of this Section. A request to amend the original schedule for compliance may be submitted within 90 days of the original request providing that material facts are submitted in writing indicating a different reasonable schedule required for compliance. Schedules for compliance become effective only upon a written order of the Board appended to such schedule. Compliance schedules providing for final compliance at a date later than 18 months from the date of execution shall contain requirements for periodic reporting and increments of progress toward compliance, at intervals of less than 18 months.

(3) If a person who has been given such reasonable time for compliance fails either (1) to comply with the rules by the time specified, or (2) to make reasonable progress toward completion, at any phase, of such installations as are required

for final compliance, the Board may require of such person such further reports as it deems necessary to show reasonable progress toward compliance. The Board may, if it finds unreasonable delay, proceed in accordance with the enforcement procedures contained in these rules.

21-045 SOURCE EMISSION TESTS.

(1) All sampling of particulate matter and other contaminants, shall be conducted in accordance with methods used by the Department of Environmental Quality equivalent and acceptable methods of measurement. All methods used will be maintained in a file in the office of the Program Director, which is available for review by any interested person during normal office hours.

(2) Upon request of the Program Director, the person responsible for a suspected source of air pollution shall make or have made a source test and shall submit a report to the Program Director describing the nature and quantity of air contaminants emitted, the specific operating conditions when the test was made and other pertinent data describing the emissions. The source shall be evaluated at maximum operating capacities. The source test measurements shall be conducted in a manner and with equipment acceptable to the Program Director.

(3) The Program Director may conduct tests of emissions of air contaminants from any source, and may require any person in control of an air contamination source to provide necessary holes in stacks or ducts and proper sampling and testing facilities, as may be necessary and reasonable for the accurate determination of the nature, extent, quantity and degree of air contaminants which are emitted as a result of operations of the source. All sampling and testing shall be conducted in accordance with measurements acceptable to the Authority.

(4) The Program Director shall, upon request, supply a copy of the test results to the person responsible for the source of air contaminant emissions.

(5) A source test report conducted in accordance with Section 21-045 shall be submitted to the Program Director before any new incinerator, or an incinerator to which major modifications have been made, is approved for operation. Upon submission of an acceptable source test report, the incinerator shall be approved for use and copies of the approved operating instructions will be signed by the Program Director. A signed copy of the operating instructions shall be posted in the immediate vicinity of the incinerator.

21-050 UPSET CONDITIONS.

Emissions exceeding any of the limits established in these rules as a direct result of upset conditions in or breakdown of any operating equipment or related air pollution control equipment, or as a direct result of the shutdown of such equipment or scheduled maintenance, may not be deemed to be in violation of these rules, providing all the following requirements are met:

(1) Such occurrence shall have been reported to the office of the Program Director as soon as reasonably possible; for scheduled maintenance, such report:

(a) Shall be submitted at least 24 hours prior to shutdown;

(b) Identify the specific facilities to be taken out of service;

(c) State the nature and quality of emissions of air contaminants likely to occur during the shutdown period;

(d) Identify measures, such as the use of off-shift labor and equipment, that will be taken to minimize the length of the shutdown period, and where practical, minimize air contaminant emissions or state the reasons it would be impractical to shutdown the source of operation during the maintenance period. For upset conditions and breakdown such report shall in any case be made within four hours of the occurrence.

(2) The person responsible for such emission shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such emissions to exceed the limits of these rules and to reduce the frequency of occurrence of such conditions and shall, upon request of the Program Director submit in writing a full report of such occurrence, including a statement of all known cases and the nature of the actions to be taken pursuant to the requirements of this subsection. No later than 48 hours after the beginning of the breakdown or upset period, the person responsible for such equipment shall cease or discontinue operation of the equipment or facility. The Director may, for good cause shown, which include but not be limited to, equipment availability, difficulty of repair or installation, and nature and amount of emission, authorize the extension of the operating period beyond 48 hours under this subsection for a reasonable period of time as determined by him to be necessary to correct the malfunction or breakdown.

(3) Such emission, in the sole judgment of the Program Director, shall not be harmful to the public health and welfare.

21-055 RECORDS.

The Program Director may from time to time require owners or operators of stationary sources to maintain records of and periodically report to him, information on the nature and amount of emission from stationary and/or such other information as may be necessary to enable the Program Director to determine whether or not such sources are in compliance with the rules of this Agency.

21-060 RESTART OF EXISTING SOURCES.

No person shall cause to be emitted any air contaminant from any existing emission source that has not been operated for a period of six months prior to such emission without the prior written permission of the Program Director. The Director's permission shall be based upon evidence satisfactory to the Director that such emission source shall comply with these regulations.

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TITLE 22

PERMITS.

22-001 PERMIT POLICY.

(1) Air contaminant discharge permits within the jurisdiction of this Authority shall be obtained for all air contaminant sources specified, defined, or referred to in Section 22-010 hereof.

(2) The fees required to obtain permits shall be in accordance with the amounts, terms and conditions set forth in Section 22-010 hereof, and Table A.

22-005 NOTICE POLICY.

It shall be the policy of the Authority to issue public notice as to the intent to issue an Air Contaminant Discharge Permit. The public notice shall allow 30 days for written comment from the public and from interested state and federal agencies prior to issuance of the permit.

22-010 PERMIT REQUIRED.

(1) No person shall construct, install, establish, modify or enlarge, develop or operate any air contaminant source, including those processes and activities directly related or associated thereto which are listed in Table A, appended hereto and incorporated herein by reference, without first obtaining a permit from the authority.

(2) No person shall modify any source covered by a permit under these rules such that the emissions are significantly increased without first applying for and obtaining a modified permit.

(3) Any source listed in Table A may apply to the Authority for a special letter permit if operating a facility with no, or insignificant, air contaminant discharges. The determination of applicability of this special permit shall be made solely by the Authority. If issued a special permit, the Application Processing Fee and/or Annual Compliance Determination Fee, provided by Section 22-020 may be waived by the Regional Authority.

(4) No person shall modify any source covered by a permit under rules such that, (a) the process equipment is substantially changed or added to or (b) the emissions are significantly changed without first notifying the Authority.

22-015 MULTIPLE SOURCE PERMIT.

(1) When a single site includes more than one of the air contaminant sources referred to in Section 22-010, a single permit may be issued including all sources located at the site. Such applications shall separately identify by subsection each air contaminant source included from Section 22-010.

(a) When a single air contaminant source, which is included in a multiple-source permit, is subject to permit modification, revocation, suspension or denial, such action by the Authority shall only affect that individual source without thereby affecting any other source subject to that permit.

(b) When a multiple-source permit includes air contaminant sources subject to the jurisdiction of the Department of Environmental Quality and a Regional Authority, the Department of Environmental Quality requires that it be the permit issuing agency. The Department and the Authority shall otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee.

22-020 FEES.

(1) All persons required to obtain a permit shall be subject to a three-part fee consisting of a uniform non-refundable Filing Fee of $25.00, an application processing fee and an annual compliance determination fee which are determined by applying Table A which shall be effective January 6, 1976. The amount equal to the filing fee, application processing fee, and the annual compliance determination fee shall be submitted as a required part of any application for a new permit. The amount equal to the filing fee and the application processing fee shall be submitted with any application for modification of a permit. The amount equal to the filing fee and the annual compliance determination fee shall be submitted with any application for a renewed permit.

(2) The fee schedule contained in the listing of air contaminant sources listed in Table A hereof, shall be applied to determine the permit fees on a standard industrial classification (SIC) pland site basis.

(3) Modifications of existing, unexpired permits which are instituted by the Authority due to changing conditions or standards, receipts of additional information or any other reasons pursuant to applicable statutes and do not require

re-filing or review of an application or plans and specifications shall not require submission of the Filing Fee or the Application Processing Fee.

(4) Applications for multiple-source permits received pursuant to Section 22-010 shall be subject to a single $25.00 Filing Fee. The Application Processing Fee and Annual Compliance Determination Fee for multiple-source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A hereof.

(5) The Annual Compliance Determination Fee shall be paid at least 30 days prior to the start of each subsequent permit year. Failure to timely remit the Annual Compliance Determination Fee in accordance with the above shall be considered grounds for not issuing a permit or revoking an existing permit.

(6) If a permit is issued for a period of less than one (1) year, the applicable Annual Compliance Determination Fee Shall be equal to the full annual fee. If a permit is issued for a period greater than 12 months, the applicable Annual Compliance Determination Fee shall be prorated by multiplying of months covered by the permit and dividing by twelve (12).

(7) In no case shall a permit be issued for more than five (5) years.

(8) Upon accepting an application for filing, the Filing Fee shall be non-refundable.

(9) When an air contaminant source which is in compliance with the rules of a permit issuing agency relocates or proposes to relocate its operation to a site in the jurisdiction of this Authority, application may be made and approval may be given for exemption of the Application Processing Fee. The permit application and the request for such fee reduction shall be accompanied by (1) a copy of the permit issued for the previous location, and (2) certification that the permittee proposes to operate with the same equipment, at the same production rate, and under similar conditions at the new or proposed location. Certification by the agency previously having jurisdiction that the source was operated in compliance with all rules and regulations will be acceptable should the previous permit not indicate such compliance.

(10) If a temporary or conditional permit is issued in accordance with adopted procedures, fees submitted with the application for an air contaminant discharge permit shall be retained and applicable to the regular permit when it is granted or denied.

(11) All fees shall be made payable to the permit issuing agency.

22-025 PROCEDURES FOR OBTAINING PERMITS.

Submission and processing of applications for permits and issuance, denial, modification, and revocation of permits shall be in accordance with duly adopted procedures of this Authority.

22-030 OTHER REQUIREMENTS.

Prior to construction, installation, establishment, modification or enlargement of any air contaminant source referred to in Section 22-010 of facilities for controlling, treating or otherwise limiting air contaminant emissions fror air contaminant sources referred to in Section 22-010 detailed plans and specifications shall be submitted to and approved in writing by the Authority upon request as required by Title 21 of these Rules and Regulations.

22-035 REGISTRATION EXEMPTION.

Air contaminant sources constructed and operated under a permit issued pursuant to these regulations may be exempted from Registration as required by Title 21 of these Rules and Regulations.

22-040 APPLICATION FOR A PERMIT.

(1) The Authority's permit program, including proposed permits and proposed revised permits, shall be submitted to the Environmental Quality Commission for review and approval prior to final adoption by the Authority. Each permit issued by the Authority shall by its conditions, authorize the permittee to construct, install, modify or operated specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations or prohibitions.

(2) Each permit proposed to be issued or revised by this Authority shall be submitted to the Department of Environmental Quality at least fourteen (14) days prior to the proposed issuance date. Within the fourteen (14) day period, the Department shall give written notice to the Authority of an objection the Department has to the proposed permit or revised permit or its issuance. No permit shall be issued by the Authority unless all objections thereto by the Department shall be resolved prior to its issuance. If the Department does not make any such objection, the proposed permit or revised permit may be issued by the Authority.

(3) If there is an objection by the Department regarding a proposed or revised permit, the Department shall present its objection before the Board of the Authority prior to the issuance of a final permit.

(4) If a result of objection by the Department regarding a proposed or revised permit, the Authority is unable to meet the time provisions of either this regulation or those contained in an existing permit, the Authority shall issue a temporary permit for a period not to exceed 90 days.

(5) The Authority shall give written notice to the Department of its intention to deny an application for a permit, not to renew a permit, or to revoke or suspend any existing permit.

(6) A copy of each permit issued or revised by the Authority pursuant to this section shall be promptly submitted to the Department.

22-045 ISSUANCE, RENEWAL OR MODIFICATION OF A PERMIT.

(1) No permit will be issued to an air contaminant source which is not in compliance with applicable rules unless a compliance schedule is made a condition of the permit.

(2) The procedure for issuance of a permit shall apply to renewal of a permit.

(3) The Authority may institute modification of a permit due to changing condition or standards, receipt of additional information or any other reason, by notifying the permittee by registered or certified mail of its intention to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modifications shall become effective 20 days from the date of mailing of such notice unless within the time the permittee requests a hearing. Such a request for hearing shall be made in writing and shall be conducted pursuant to the regulations of the Authority. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

22-050 DENIAL OF A PERMIT.

If the Authority proposed to deny issuance of a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective 20 days from the date of mailing of such notice unless within that time the applicant requests a hearing. Such a request for hearing shall be made in writing and shall state the ground for the request. Any hearing held shall be conducted pursuant to the Rules of the Authority.

22-055 SUSPENSION OR REVOCATION OF A PERMIT.

(1) In the event that it becomes necessary to suspend or revoke a permit due to non-compliance with the terms of the permit unapproved changes in operation, false information submitted in the application, or any other cause, the Agency shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the permittee requests a hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request.

(2) If the Board finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or revoke a permit effective immediately. Notice of such suspension or revocation must state the reasons for such action and advise the permittee that he may request a hearing. Such a request for hearing shall be made in writing within 90 days of the date of suspension and shall state the grounds for the request.

(3) Any hearing requested under this Chapter shall be conducted pursuant to the rules of the Authority.

LANE REGIONAL AIR POLLUTION AUTHORITY
TABLE A - AIR CONTAMINANT SOURCES AND ASSOCIATED FEE SCHEDULE

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
1. Seed cleaning located in Special Control Areas (not elsewhere Included)	0723	$ 0	$ 0
2. Minerals, earth and rock ground or otherwise treated	1442 3273 3295	100	75
3. Smoke Houses with 5 or more employees	2013	75	50
4. Flour and other grain mill products in Special Control Areas.	2041		
a. 10,000 or more T/yr.		250	150
b. Less than 10,000 T/yr.		50	50
5. Prepared feeds for animals and fowl in Special Control Areas.	2043		
a. 10,000 or more T/yr.		250	150
b. Less than 10,000 T/yr.		50	50
6. Cereal preparations in Special Control Areas	2043	250	150
7. Blended and prepared flour in Special Control Areas.	2045		
a. 10,000 or more T/yr.		250	150
b. Less than 10,000 T/yr.		50	50
8. Beet sugar Manufacturing	2063	150	100
9. Rendering plants	2077	150	100

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
10. Coffee Roasting	2095	$ 100	$ 75
11. Sawmill and planning	2421		
a. 25,000 or more bd/ft. shift		75	50
b. Less than 25,000 bd/ft. shift		25	25
12. Hardwood Mills	2421	50	25
13. Shake & Shingle Mills	2429	50	25
14. Millwork with 10 employees or more	2431	75	50
15. Plywood Manufacturing	2435 2436	150	100
16. Veneer Mfg. only (not elsewhere included)	2435 2436	75	75
17. Wood preserving	2491	75	50
18. Particleboard Mfg.	2492	300	150
19. Hardboard Mfg.	2499	200	100
20. Battery separator Mfg.	2499	75	50
21. Furniture & Fixtures	2511		
a. 100 or more employees	2512	125	100
b. 10 employees or more but less than 100 employees		75	50
22. Sulfite pulp & paper production	2611 2621 2631	300	175
23. Kraft Pulp and paper production	2611 2621 2631	300	175
24. Building paper and building board mills	2661	150	100

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
25. Alkalies and chlorine manufacturing	2812	$ 225	$ 175
26. Calcium carbide manufacturing	2819	225	150
27. Nitric acid Mfg.	2819	100	75
28. Ammonia Mfg.	2819	200	125
29. Industrial inorganic and organic chemicals mfg. (not elsewhere included)	2819	250	125
30. Synthetic resin Mfg.	2821	100	100
31. Charcoal Mfg.	2861	200	100
32. Herbicide Mfg.	2879	225	175
33. Petroleum refining	2911 2992	450 100	325 75
34. Asphalt production by distillation	2951	75	50
35. Asphalt blowing plants	2951	100	75
36. Asphaltic concrete paving plants	2951	100	100
37. Asphalt felts & coating	2952	150	100
38. Glass Manufacturing	3231	100	75
39. Cement mfg.	3241	300	150
40. Redimix concrete	3273	75	50
41. Lime Manufacturing	3274	150	100
42. Gypsum Products	3275	100	75
43. Steel works, rolling and finishing mills	3312	300	175

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
44. Incinerators			
a. 2,000 lbs/hr. and greater capacity		$ 100	$ 100
b. 40 lbs/hr. to 2,000		75	50
45. Primary smelting and refining of ferrous and nonferrous metals not elsewhere classified.	3313 3339		
a. 2,000 or more tons per year production		300	150
b. Less than 2,000 Tons per year production		100	75
46. Gray iron and steel foundries	3321		
a. 3,500 or more tons per year production	3322	300	150
b. Less than 3,500 tons per year production	3324 3325	100	100
47. Primary aluminum production	3334	300	175
48. Secondary lead smelting	3341	225	175
49. Aluminum foundries (not elsewhere included)	3361	75	50
50. Brass and bronze foundries	3362	75	50
51. Electroplating, polishing and anodizing with 5 or more employees	3471	75	50
52. Galvanizing and pipe coating -- exclude all other activities	3479	75	50
53. Battery Mfg.	3691	100	75
54. Grain elevators - storage only located in Special Control Areas.	4221		

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
54. a. 20,000 or more T/yr.		$ 150	$ 100
B. Less than 20,000 T/yr.		50	50
55. Electric power generation	4911*	350	225
56. Gas production and/or manufacturing	4925	350	225
57. Fuel burning equipment	4961**		
a. Residual oil			
1. 250 million or more btu/hr. (heat input)		150	100
2. 5 million or more but less than 250 million btu/hr. (heat input)		100	50
3. Less than 5 million btu/hr. (heat input)		25	25
b. Distillate oil			
1. 250 million or more btu/hr. (heat input)		150	100
2. 5 million or more but less than 250 million btu/hr. (heat input)		25	25
c. Wood fired			
1. 250 million or more btu/hr. (heat input)		150	100
2. 5 million or more but less than 250 million btu/hr. (heat input)		100	50
3. Less than 5 million btu/hr. (heat input)		25	25
d. Coal fired			
1. 250 million or more btu/hr. (heat input)		150	100
2. 5 million or more but less than 250 million btu/hr. (heat input)		100	50
3. Less than 5 million btu/hr. (heat input)		25	25

Air Contaminant Source	Standard Industrial Classification Number	Application Investigation and Permit Issuing or Denying Fee	Annual Permit Compliance Determination Fee
58. Grain elevators - primary engaged in buying and/or marketing grain-- in Special Control Areas.	5153		
a. 20,000 or more T/yr.		$ 300	$ 225
b. Less than 20,000 T/yr.		50	50

*Excluding hydroelectric and nuclear generating projects, and limited to utilities.

**Not limited to fuel burning equipment generating steam for sale but excluding power generation (SIC#4911).

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TITLE 23

VARIANCES.

23-005 CONDITIONS FOR GRANTING.

The Board of Directors may grant specific variances from the particular requirements of any rule, regulation or order to such specific person or class of persons or such specific air contamination source, upon such conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with such rule, regulation or order is inappropriate because of conditions beyond the control of the persons granted such variance or because of special circumstances which would render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause, or because strict compliance would result in substantial curtailment or closing down of a business, plant or operation, or because no other alternative facility or method of handling is yet available. Such variances may be limited in time.

23-010 PROCEDURES FOR REQUESTING.

Any person requesting a variance shall make his request in writing and shall state in a concise manner the facts to show cause why such variance should be granted.

23-015 PERIOD OF VARIANCE.

Variances shall be for a period of time not to exceed twelve months, but may be renewed for a similar period of time by the Board of Directors upon reapplications.

23-020 REVOCATION OR MODIFICATION.

A variance granted may be revoked or modified by the Board of Directors after a public hearing held upon not less than 10 days notice. Such notice shall be served upon the holder of the variance and all persons who have filed with the Board of Directors a written request for such notification.

23-025 FILING AND REVIEW.

A copy of each variance granted shall be filed with the Department of Environmental Qualtiy within 15 days after being granted.

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TITLE 31

AMBIENT AIR STANDARDS.

31-005 GENERAL.

No person shall cause, let, permit, suffer or allow any emission which emission by itself or with other emissions which are present in the ambient air, are in excess of the standards enumerated in this section; provided that the ambient air standards shall not be enforceable on the property surrounding the emission point, if such property is contiguous to that on which the emission point is located and is in the exclusive possession and control of the person responsible for the emission.

31-010 PARTICEL FALLOUT.

The particle fallout rate at a primary air mass station, primary ground level station, or special station, shall not exceed:

(1) 10 grams per square meter per month in an industrial area, or

(2) 5.0 grams per square meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds seventy percent (70%).

(3) 5 grams per square meter per month in residential and commercial areas, or

(4) 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds seventy percent (70%).

(5) Concentrations of calcium oxide present as particle fallout at a primary air mass station, primary ground level station, or special station, shall not exceed 0.35 grams per square meter per month in residential and commercial areas.

31-015 SUSPENDED PARTICULATE MATTER.

Concentrations of suspended particulate matter at a primary air mass station shall not exceed:

(1) 60 micrograms per cubic meter of air, as an annual geometric mean for any calendar year.

(2) 100 micrograms per cubic meter of air, 24 hour concentration for more than 15 percent of the samples collected in any calendar month.

(3) 150 micrograms per cubic meter of air, 24 hour concentrations, more than once per year.

(4) Concentrations of calcium oxide present as suspended particulate at a primary air mass station shall not exceed 20 micrograms per cubic meter in residential and commercial areas at any time.

31-020 ODORS.

(1) No person shall cause or permit the emission of odorous matter

  (a) in such manner as to cause a public nuisance or contribute to a condition or air pollution, or

  (b) that occurs for sufficient duration or frequency so that two measurements made within a period of one (1) hour, separated by not less than 15 minutes, are equal to or greater than a Scentometer No. 0 or equivalent dilution, in areas used for residential, commercial, industrial park or other similar purposes.

(2) In other industrial areas, the release of odorous matter shall be prohibited if equal to or greater than a Scentometer No. 2 odor strength or equivalent dilution.

31-025 SULFUR DIOXIDE.

Concentrations of sulfur dioxide at a primary air mass station, primary ground level station, or special station, shall not exceed:

(1) 60 micrograms per cubic meter of air (0.02 ppm), annual arithmetic mean.

(2) 260 micrograms per cubic meter of air (0.10 ppm), maximum 24 hour average more than once per year.

(3) 1300 micrograms per cubic meter of air (0.50 ppm), maximum 3 hour average, more than once per year.

31-030 CARBON MONOXIDE.

Concentrations of carbon monoxide at a primary air mass station or primary ground level stations shall not exceed:

(1) 10 miligrams per cubic meter of air (8.7 ppm), maximum 8 hour average, more than once per year.

(2) 40 miligrams per cubic meter of air (35 ppm), maximum 1 hour average, more than once per year.

31-035 PHOTOCHEMICAL OXIDANTS.

Concentrations of photochemical oxidants at a primary air mass station shall not exceed 160 micrograms per cubic meter (0.08 ppm), maximim 1 hour average, more than once per year.

31-040 HYDROCARBONS.

Concentrations of hydrocarbons at a primary air mass station, as measured and corrected for methane, shall not exceed 160 micrograms per cubic meter of air (0.24 ppm), maximum 3 hour concentration measured from 0600 to 0900, not to be exceeded more than once per year.

31-045 NITROGEN DIOXIDE.

Concentrations of nitrogen dioxide at a primary air mass station shall not exceed 100 micrograms per cubic meter of air (0.05 ppm), annual arithmetic mean.

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TITLE 32

EMISSION STANDARDS

32-005 GENERAL

(1) Notwithstanding emission standards of these Rules and Regulations, no person shall cause or permit emissions from any air contaminant source whatsoever which cause or is likely to cause injury, or detriment, or nuisance to the public or which have a natural tendency to cause injury or damage to business or property whatsoever.

(2) Compliance with a specific emission standard in these Rules does not preclude required compliance with any other applicable emission standard.

32-010 RESTRICTION ON EMISSION OF VISIBLE AIR CONTAMINANTS; EXCEPTIONS.

(1) All sources other than existing fuel-burning equipment utilizing wood wastes and veneer dryers. Except as provided in Subsection (2) and (3), no person maintaining, owning or operating any source of emission shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour, except for incinerators which shall not be more than one minute in any one hour, which is:

(a) As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or

(b) Equal to or greater than 20 percent opacity.

(2) Existing Fuel Burning Equipment Utilizing Wood Wastes. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart; or

(b) Equal to or greater than 40 percent opacity.

(3) No person shall cause to be emitted from any veneer dryer, visible air contaminants of an opacity equal to or greater than 20 percent for a period or periods aggregating more than 3 minutes in any one hour. No person shall cause to be emitted from any veneer dryer constructed or installed after March 1, 1972 visible air contaminants of an opacity exceeding 10 percent for a period or periods aggregating more than 3 minutes in one hour. No person shall attempt to comply with the requirements of this subsection by dilution with outside air or by otherwise increasing the exhaust gas volume above that generally occur under normal operating conditions. Every person operating a veneer dryer shall submit to the Authority by no later than December 31, 1972, a specific detailed schedule of compliance. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, consistent with local air quality conditions and the difficulty and complexity of compliance, and shall employ the highest and best practicable treatment and control. In no case shall final compliance be achieved by later than December 31, 1974.

32-025 EXCEPTION - VISIBLE AIR CONTAMINANT STANDARDS.

Uncombined Water
Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 32-010, (1), (2) or (3), such section shall not apply.

32-030 PARTICULATE MATTER WEIGHT STANDARDS.

Notwithstanding emission limits of Section 32-045, 32-035, 32-040 particulate emission from any existing source shall not exceed 0.2 grain per cubic foot or 0.1 grain per cubic foot for new sources, corrected to standard conditions of temperature and pressure.

32-035 PARTICULATE MATTER WEIGHT STANDARDS - EXISTING SOURCES.

The maximum allowable emission of particulate matter from any existing source shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

32-040 PARTICULATE MATTER WEIGHT STANDARDS - NEW SOURCES.

The maximum allowable emission of particulate matter from any new combustion source shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

32-045 PROCESS WEIGHT EMISSION LIMITATIONS.

(1) The maximum allowable emissions of particulate matter for

specific processes shall be a function of process weight and shall be determined from Table 1.

(2) The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per/hour shall be limited to 40 pounds per/hour.

32-055 PARTICULATE MATTER SIZE STANDARD.

No person shall cause or permit the emissions of any particulate matter which is greater than 250 microns in size provided such particulate matter does or will deposit upon the real property of another person.

32-060 AIRBORNE PARTICULATE MATTER.

(1) No person shall cause or permit particulate matter to be handled, transported, or stored without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere.

(2) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere if such release becomes a public nuisance.

(3) No person shall cause or permit particulate matter from becoming airborne, from open areas located within a private lot or private roadway if such release becomes a public nuisance.

32-065 SULFUR DIOXIDE EMISSION LIMITATIONS.

(1) Fuel Burning Equipment: The following emission standards are applicable to new sources only:

(a) For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

(A) 1.4 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

(B) 1.6 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

(b) For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

(A) 0.8 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

(B) 1.2 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

(2) No person shall cause or permit emission of sulfur dioxide in excess of 1000 ppm from any air contamination source.

32-070 OTHER EMISSIONS.

(1) No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury, detriment, public nuisance or annoyance to any persons or to the public or which cause injury or damage to business or property; such determination to be made by the Authority.

(2) No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

TABLE 1

Table of Allowable Rate of Particulate Emissions - Based on Process Weight

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs.Hr.
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.85	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 60,000 pounds per hour shall be accomplished by use of this equation:

$E = (55.0 \times p^{0.11}) - 40$, where P = process weight in tons per hour and E = emission rate in pounds per hour.

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TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES.

33-005 OPEN OUTDOOR FIRES - GENERAL.

(1) No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire anywhere in the territory of the Lane Regional Air Pollution Authority, unless specifically regulated or allowed by other sections of these Rules, or they have obtained a variance pursuant to Title 23 of these Rules.

(2) No open outdoor fire allowed by this Rule anywhere in the territory shall contain garbage, asphalt, petroleum products, paints, rubber products, plastic or any substance or material which normally emits dense smoke or abnoxious odors.

(3) Open outdoor fires allowed by these Rules are not exempted from fire or burning permit requirements, or other applicable requirements, restrictions or limitation of fire prevention and protection agencies.

(4) No open outdoor fire shall be allowed within the territory on any day when the Program Director advises fire permit issuing agencies to not issue permits because such practices would have an adverse effect on air quality.

(5) Open outdoor fires in violation of these Rules shall be immediately extinguished by the responsible persons upon notice by the Program Director or his representative.

(6) No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire containing grass, grain, stubble or other agricultural related combustible material except as authorized and permitted by Oregon Revised Statutes, Chapters 449, 476, 477, and 478.

(7) An open outdoor fire ignited, caused to be ignited, or suffered, allowed or maintained by an officer of a fire permit issuing agency for the prevention or elimination of a fire hazard is allowed throughout the territory after notification to the Program Director.

(8) No person shall ignite, cause to be ignited permit to be ignited, or suffer, allow or maintain any open outdoor fire as part of any non-agricultural debris clearing operation in Air Pollution Control Area "3" after August 15, 1970.

(9) No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire of motor vehicle bodies, and/or associated parts, railway cars, insulated wire, electric motors and coils or any other salvage materials in any Air Pollution Control Area.

(10) A fire ignited caused to be ignited, or suffered, allowed, or maintained by an officer of a fire-permit issuing agency for the purpose of training local government employees or volunteers, civil defense volunteers or employees of private concerns in methods of fire fighting, is allowed in all areas after notification to the Program Director.

(11) Evidence that the legal occupant of the premises on which the burning occurs has failed to immediately extinguish the open outdoor fire thereon is prima facie evidence that such person was maintaining such fire.

33-010 OPEN OUTDOOR FIRES - DOMESTIC.

(1) No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire containing domestic rubbish in Air Pollution Control Area "1".

(2) No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire containing domestic yard trimmings in Air Pollution Control Area "1" on any day that the Program Director or his authorized representative, advises fire permit issuing agencies to not issue permits because such practices would have an adverse effect on air quality. All such burning shall be prohibited between July 1st and October 31st of any year.

(3) A bonfire or similar small fire (less than 2 cubic yards of fuel) for recreational purposes is allowed throughout the territory provided applicable requirements, restrictions or limitations of fire prevention and fire control agencies are met. Larger fires require written approval of fire permit issuing agency and the Lane Regional Air Pollution Authority.

33-015 OPEN OUTDOOR FIRES - COMMERCIAL, GOVERNMENTAL, OR INDUSTRIAL RUBBISH.

(1) No person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire containing rubbish from commercial, governmental or industrial sources in Air Pollution Area "1", or, without the prior written authorization of the Program Director, in Air Pollution Control Area "2". Suitable conditions relating to the time and place of such burning in Area "2" may be imposed by the Program Director.

(2) No person shall ignite, cause to be ignited, or suffer, allow or maintain any open outdoor fire in or at any refuse disposal site or refuse dump in any Air Pollution Control Area after January 1, 1971.

33-020 INCINERATOR AND REFUSE BURNING EQUIPMENT.

(1) No person shall cause, permit or maintain any emission from any refuse burning equipment which does not comply with the emission limitations of these Rules.

(2) Every person operating refuse burning equipment shall be able at all times during the operation to know the appearance of the emissions.

(3) Refuse Burning Hours:

(a) No person shall permit or maintain the operation of refuse burning equipment at any time other than 1/2 hour after sunrise to 1/2 hour before sunset, except with prior approval of the Authority.

(b) Approval of the Authority for the operation of such equipment may be granted upon the submission of a written request giving:

(A) Name and address of the applicant.

(B) Location of the refuse burning equipment.

(C) Description of refuse burning equipment and its control apparatus.

(D) Type and quantity of refuse.

(E) Good cause for issuance of such approval.

(F) Hours, other than daylight hours, during which the applicant seeks to operate the equipment.

(G) Length of time for which the approval is sought.

(4) Design and Construction Standards

(a) Notwithstanding any other section of these Rules, construction of any article, machine, equipment or contrivance for commercial, industrial, or residential incineration operations shall maintain 1500° F. for 0.3 seconds in secondary chamber gas path. One and two family residential disposal in Area "2" are exempt from this paragraph.

(b) Notwithstanding any other section of the Rules, construction of any article, machine, equipment or contrivance for disposal of Type 4 waste shall maintain 1700° F for 0.4 seconds in secondary chamber gas path.

(c) After January 1, 1974, the operation of any source described in this section that fails to meet the design standards of this section shall be deemed prima facie evidence of violation of Section 32-055 of the Rules.

(5) Incinerator operating instructions shall be furnished by the supplier to the Program Director for approval coincident with submission of construction plans. The supplier shall furnish adequate training in the operation of the incinerator to the purchaser prior to the required test operation.

(6) When a commercial or industrial incinerator is constructed or assembled on site, the Program Director shall be notified so that the internal dimensions may be determined while the incinerator is still open.

(7) Fuel burning equipment, incinerators and equipment used in manufacturing processes shall be provided with sufficient control apparatus to meet the emission standards of these regulations to include means whereby the operator of the equipment shall be able at all times during the operation to know the appearance of the emission.

33-025 WIGWAM WASTE BURNERS.

(1) Construction of wigwam waste burners requires approval of the plan by the Authority prior to construction, as specified in Title 21.

(2) After January 1, 1971, any person operating a wigwam waste burner or similar device in Area "1" shall provide proper sampling and testing facilities thereon to determine the nature, extent, quality and degree of air contaminants emitted thereby and provide to the Authority evidence of his compliance with the emission standards prescribed by these rules.

(3) It is declared to be the policy of this Authority to recognize the alternate utilization of wood waste is unreasonable and impractical in that part of the territory of the Authority lying west of the Coast range of mountains, and that atmospheric conditions in such area would allow the protection of the public health and welfare if the particulate emissions from the modified wood waste burner were not greater than 20% opacity. Until technological and economic development further enhances the degree to which wood wastes may be better utilized or otherwise disposed of in ways not damaging to the environment, the Authority intends to retain the following provisions in effect.

(4) Operations of modified wigwam waste burners in that part of the territory of the Authority lying west of Range 8 West shall be permitted under the following conditions:

(a) Operation of wigwam waste burners other than modified wigwam waste burners is prohibited. The term "modified wigwam waste burner" shall mean a device having the general features of a wigwam waste burner, but with improved combustion air controls and other improvements involved in accordance with design criteria approved by the Authority.

(b) Persons seeking authorization to modify a wigwam waste burner or establish a new wigwam waste burner shall request authorization by submitting notice of construction and submitting plans in accordance with Title 21 of these Rules and Regulations.

(c) Authorization to establish a modified waste burner installation shall not be approved unless it is demonstrated to the Authority that: (a) no feasible alternative to incineration of wood wastes then does exist. In demonstrating this, the applicant must provide a statement of the relative technical and economic feasibility alternatives, including but not limited to utilization, off-site disposal and incineration in a boiler or incinerator other than a wigwam waste burner;

(b) the modified wigwam waste burner facility is to be constructed and operated in accordance with the design criteria approved by the Authority and the emission standard set forth in subsection (5) of this rule.

(5) No person shall cause, suffer, allow or permit the emission of air contaminants into the atmosphere from any wigwam burner for a period or periods aggregating more than three (3) minutes in any one hour which is equal to or greater than 20% opacity. No person shall use a wigwam burner for the incineration of other than production process wood waste. Such wood waste shall be transported to the burner by methods which transport materials at a uniform rate of flow, or at rates generated by the production process.

(6) A thermocouple and recording pyrometer, or other approved temperature measurement and recording devices shall be installed and maintained on every modified wigwam waste burner. Gas temperatures shall be recorded continuously using the installed pyrometer at all times when the burner is in operation. Records of temperature and burning operations, or summaries thereof, shall be submitted at such frequency as the Authority may prescribe. In addition to the aforementioned devices, the Authority may require installation of visible emission monitoring devices and subsequent reporting of data therefrom.

(7) Notwithstanding any provision of this section to the contrary, the herein contained modification of the particulate matter weight standards of Section 32-040 of these Rules shall apply only in the territory described in subsection (4) above.

33-030 CONCEALMENT AND MASKING OF EMISSIONS.

(1) No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.

(2) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.

33-045

(1) Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or

other adequate vapor loss control device in any control area.

(2) All existing installations in Area "1" must comply with Section 33-045 1 by January 1.

33-055 SULFUR CONTENT OF FUELS.

(1) Residual Fuel Oils

(a) After July 1, 1972, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 2.5 percent sulfur by weight.

(b) After July 1, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

(2) Distillate Fuel Oils

After July 1, 1972, no person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following precentages of sulfur:

(a) ASTM Grade 1 fuel oil - 0.3 percent by weight

(b) ASTM Grade 2 fuel oil - 0.5 percent by weight

(3) Coal

After July 1, 1972, no person shall sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

(4) Exemptions

Exempted from the requirements of 1, 2, and 3 above are:

(a) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor vehicles.

(b) With prior approval of the Authority, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of Section 1, 2 and 3.

33-060 BOARD PRODUCTS INDUSTRIES.

(1) General Provisions

(a) These regulations establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(b) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment.

(c) Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

(d) Upon adoption of these regulations, each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control, applying the highest and best practical treatment and control currently available. Each plant shall, at the request of the Authority, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with these regulations.

(2) Veneer and Plywood Manufacturing Operations

(a) No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment process or space ventilation systems, and trust loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent.

(b) Excepted from subsection 33-060 2(a) are veneer dryers, fuel burning equipment and refuse burning equipment.

(c) Compliance Schedule

No later than July 1, 1972, every person operating a plywood or veneer manufacturing plant shall submit to the Authority a proposed schedule for compliance with this section. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(d) Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any veneer or plywood manufacturing mill and such acts are hereby prohibited.

(3) Particleboard Manufacturing Operations

(a) Every person operating or intending to operate a particleboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies the Authority and receives written approval for said storage.

(A) When authorized by the Authority, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(B) Any temporary storage areas authorized by the Authority shall not be operated in excess of six (6) months from the date they are first authorized.

(c) Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall apply to the Authority for authorization to utilize alternative controls. The application shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(d) No person shall cause to be emitted particulate matter from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems, in excess of a total from all sources within the plant site of three (3.0) pounds per 1000 square feet of particleboard produce on a 3/4 inch basis of finished product equivalent.

(e) Excepted from subsection 33-060 3(d) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(f) Compliance Schedule

Not later than July 1, 1972, every person operating a particleboard manufacturing plant shall submit to the Authority a proposed schedule for complying with these regulations. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(g) Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjuction with the operation of any particleboard manufacturing plant and such acts are hereby prohibited.

(4) Hardboard Manufacturing Operations

(a) Every person operating or intending to operate a hardboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies the Authority and receives written approval.

(A) When authorized by the Authority, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(B) Any temporary storage areas authorized by the Authority shall not be operated in excess of six (6) months from the date they are first authorized.

(c) Alternative Means of Control

Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall first apply to the Authority for authorization utilize alternative controls. The application shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(d) No person shall cause to be emitted particulate matter from hardboard plant sources including, but not limited to hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems, in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of hardboard produced on a 1/8 inch basis of finished product equivalent.

(e) Excepted from subsections 33-060 4(d) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(f) No person shall operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500° F. for 0.3 seconds or longer. Specific operating temperatures lower than 1500° F. may be approved by the Authority upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant. In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000° F.

(g) Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to the Authority for authorization to utilize alternative controls. The application shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the neareast property not under ownership of the applicant.

(h) Compliance Schedule

No later than July 1, 1972, every person operating a hardboard manufacturing plant shall submit to the Authority a proposed schedule for complying with these regulations. The schedule shall provide for compliance with the applicable provisions at the earliest practicable date, but in no case shall final compliance be achieved by later than December 31, 1973.

(i) Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operating of any hardboard manufacturing plant and such acts are hereby prohibited.

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TITLE 34

Special Land Areas Standards & Practices

(No regulations adopted)

TITLE 35

Hazardous Air Pollutants

(No regulations adopted)

TITLE 41

Purpose & Definitions

(No regulation adopted)

TITLE 42

PREHEARING PROCEDURES.

42-005 METHOD OF INSTITUTING HEARINGS.

A hearing may be instituted by the Authority on its own motion or as follows:

(1) Petition by an interested person to secure a declaratory ruling to the Authority on the applicability to any person, property or state of facts of any rule or statute enforceable by it.

(2) Petition by any interested person for the promulgation, repeal or amendment of any rule of the Authority.

42-010 VERIFICATION OF THE PETITION.

The petition shall be verified if required by the Authority.

42-015 CONTENTS OF THE PETITION.

The petition shall be in writing, signed by, or on behalf of, the petitioner, and shall contain a detailed statement of:

(1) Ultimate facts sufficient to show the situation is entitled to the relief requested;

(2) The specific relief requested:

(3) All propositions of law to be asserted by the petitioner; and

(4) The name and address of petitioner and of any other person or persons necessary to the proceedings;

(5) In cases of complaints or remonstrances involving alleged violation of public policy as expressed in Section 11-005 of these rules, the petition shall also contain a brief description of the alleged air pollution, and the persons, firm or corporation alleged to be contributing to the air pollution, and the nature of the injury resulting therefrom.

42-020 FILING OF THE PETITION.

An original and 2 copies of the petition, either in type written or printed form, shall be filed with the Authority. A petition shall be deemed filed when received by the Authority. The Authority shall notify the petitioner of such filing.

42-025 SERVICE OF THE PETITION ORDERS:

(1) After the petition has been filed, the Authority shall cause an investigation to be made by the Program Director. If such investigation reveals probable cause for complaint, the Authority shall dispatch by registered or certified mail a true copy of the petition together with a copy of the applicable rules of practice to all necessary parties as named in the petition. Such petition shall be deemed as served on the date of mailing to the last known address of the person being served.

(2) All motions, notices, pleadings, order and decisions shall be deemed served upon mailing by regular mail to the last known address of all necessary persons.

42-030 ANSWERS, MOTIONS, AMENDMENTS AND WITHDRAWALS OF PETITIONS.

(1) Answers to petitions or other pleadings will not be required. Where no answer is filed with the Authority, all allegations of the petition will be deemed denied. If an answer or other pleadings are desired, they shall be served and filed in the same manner and form as provided in Section 42-005.

(2) The Authority, on its own motion or motion of an interested party, may require, within ten days of the filing or serving of petition, that the allegations in the petition be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted, the petitioner shall be given fifteen days after notice to comply with the order. If this is not done, those allegations complained of shall be stricken.

(3) At any time more than ten days prior to hearing, the petitioner may amend his petition by serving a copy of the amended petition on all necessary parties and by filing an original and 2 copies with the Authority. After that time, amendment may be allowed in the discretion of the Authority.

(4) The petitioner may withdraw his petition at any time prior to the hearing without prejudice. Thereafter, the petition may be withdrawn only upon approval of the Authority.

42-035 INSTITUTION OF PROCEEDINGS IN AIR POLLUTION MATTERS.

(1) In case of failure by conference to correct air pollution or air contamination which has resulted in a violation of any rule or order of the Authority, the Authority may institute a hearing by written notice issued and served upon the person complained against.

(2) Contents of Notice, the notice shall be in writing, signed by the Chairman and shall contain;

   (a) A summary of the complaint made by or to the Authority; or in the alternative a copy of the complaint shall be attached to the notice.

   (b) Specify the provisions of the statute, rule or order of which the respondent is said to be in violation.

   (c) A statement of the manner in and the extent to which such person is said to violate the statute, rule or order.

   (d) A direction that the person complained against shall appear and answer the charges of such notice or complaint at a time and place before the Authority not less than fifteen days after date of the notice.

(3) The respondent to such notice may file a written answer thereto and may appear in person with or without counsel.

(4) The notice shall be served as provided in these rules, not less than fifteen days prior to the hearing before the Authority.

(5) If the person served with notice fails to appear, the Authority may take such action and issue and enter such specific order to make such specific determination as it shall deem appropriate under the circumstances.

42-040 NOTICE OF HEARING.

When a hearing has been requested by filing a petition or ordered by the Authority upon its own motion, the Authority shall give all interested parties not less than fifteen days notice of the date and place where such hearing will be held and the nature of such hearing. This time may be shortened or extended by stipulation of all parties or upon request to the Authority by any party, which requests may be granted or denied in the discretion of the Authority. The request shall be supported by affidavit setting out facts in support thereof and may be opposed by any other party in the same manner upon good cause shown. The request shall be served as if provided in these rules.

Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing may be issued by the Authority upon request by any party to the proceeding, including the Authority itself, upon proper showing of general relevance of reasonable scope of the evidence sought.

42-050 INTERVENTION.

(1) Intervention:

Any person having an interest in the subject matter of any proceeding may petition for leave to intervene in such proceeding and may become a party thereto, if the Authority finds that such persons may be bound by the order to be entered in the proceeding or that such person has a property or financial interest which may not be adequately represented by existing parties; PROVIDED, that such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown, no petition for leave to intervene will be entertained if filed less than ten days prior to the hearing.

(2) Impleader:

In any action or proceeding involving Title 31 entitled involving emissions present in the ambient air, there shall be available to a respondent in such a proceeding the right to implead other parties also responsible for the conditions existing for which the respondent is charged. In such cases the impleader shall be made by petition of the responding party and shall be granted in the discretion of the Authority on a showing of relevancy, materiality and necessity to the proceeding.

LANE REGIONAL AIR POLLUTION AUTHORITY
16 OAKWAY MALL - EUGENE, OREGON 97401

TITLE 43

HEARING PROCEDURE.

43-005 CONDUCT OF THE HEARING.

The hearing shall be before the Board of Directors and shall be conducted by the Chairman of the Authority, or in his absence, the Vice-Chairman, except that the Board may direct that the hearing shall be conducted by a Hearings Officer.

43-010 DISQUALIFICATION.

Any member of the Board of Directors may withdraw from the proceeding whenever he deems himself disqualified because of personal bias except in those cases where such withdrawal may preclude a hearing.

43-015 POWERS OF CHAIRMAN.

The Chairman or Vice-Chairman of the Board of Directors or a duly authorized Hearings Officer, shall have the following powers:

(1) To cause notice to be given of and hold hearings.

(2) To administer oaths and affirmations.

(3) To examine witnesses.

(4) To issue subpoenas; subpoenas may be served by any person authorized by the Chairman.

(5) To take or cause to be taken depositions as provided by law.

(6) To rule upon offers of proof and receive evidence, and prior to ruling may seek the advice of the Attorney for the Authority in attendance at the hearing or meeting.

(7) To regulate the course of a hearing, including:

  (a) The ejection of any person who in any manner interferes with the orderly procedure of a hearing.

  (b) The requirement for parties to proceedings to submit in advance of hearing a written list of prospective witnesses and an estimate of time required to present his or its case.

(8) To hold conferences, before or during hearing, for the settlement or simplification of issues.

(9) To dispose of procedural requests or similar matters;

(10) To take any other action authorized by these rules.

43-020 WHO MAY APPEAR AT HEARINGS.

(1) Each party may be represented by counsel.

(2) Any individual may appear for himself, and upon adequate identification any member of a partnership which is a party to any proceeding may appear for such partnership, and a bonafide officer of a corporation or an association may appear for such corporation or association.

43-025 STANDARD OF CONDUCT AT HEARINGS.

Comtemptuous conduct by any person appearing at the hearing shall be grounds for his exclusion by the presiding officer from the hearing.

43-030 HEARINGS REPORTER.

The official record of the hearing shall be recorded by a person assigned by the Authority capable of doing such reporting. The method used shall be in the discretion of the Board of Directors.

43-035 TRANSCRIPT OF TESTIMONY.

The Authority is not required to furnish copies of the transcript of the official record. Any party to a hearing may purchase a transcript from the reporter.

43-040 CONTINUANCES AND POSTPONEMENTS.

Motion for continuance or postponement of any hearing may be granted by the Authority for good cause shown.

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TITLE 44

EVIDENCE.

44-005 GENERAL.

(1) The testimony of witnesses at a hearing shall be upon oath or affirmation administered by an officer of the Authority authorized to administer oaths and shall be subject to cross-examination. Any member of the Authority, or its Attorney, may interrogate witnesses at any stage of the proceedings, either on direct or cross-examination.

(2) Any witness may, in the discretion of the Authority, be examined separately and apart from all other witnesses except those who may be parties to the proceedings.

(3) The Authority may limit oral argument at its discretion.

44-010 OATH OR AFFIRMATION.

The oath or affirmation taken by a witness before he may testify shall be in the same form and manner as is provided by law.

44-015 RIGHT TO FULL AND TRUE DISCLOSURE OF THE FACTS.

Every party shall have the right to present his case or defense by oral, documentary or other satisfactory evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

44-020 BURDEN OF PROOF.

The petitioner shall have the burden of proof; provided that where proceedings are initiated by the Authority on its own motion, the report of the Program Director as to the existence of air pollution, and the cause thereof, shall constitute prima facie evidence thereof, unless satisfactorily rebutted, and such report shall constitute a part of the official record of the proceedings.

44-025 ADMISSION AND EXCLUSION OF EVIDENCE.

(1) The rules of evidence and requirement of proof shall conform, to the extent practicable, with those in civil non-jury cases in the circuit courts.

(2) Heresay evidence shall not be admissible over an objection based on lack of opportunity to cross-examine.

(3) The Authority may limit expert and opinion evidence in its discretion.

44-030 OBJECTIONS.

If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon the chairman shall rule on the objection.

44-035 JUDICIAL NOTICE.

After first advising all parties of its intention to do so, the Authority may take notice of judicially recognizable facts as is provided by law (ORS 41.410 to 41.480) and of general, technical or scientific facts within the specialized knowledge of the officers and staff of the Authority.

44-040 INFORMAL DISPOSITION.

Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default; provided that an order adverse to a party may be issued upon default only upon prima facie case made on the record by the Authority. Such a decision shall not be reviewable before the Authority.

44-045 ARGUMENTS AND SUBMITTALS.

The Authority shall give the parties to the proceedings adequate opportunity for the presentation of arguments in support of motions, objections and exception to its proposed decision. Prior to a proposed decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefore.

TITLE 45

DECISION & APPEAL.

45-005 RECORD FOR DECISION.

The record of the testimony and exhibits, together with all papers, requests and rulings filed in the proceedings, and the reports and records of the Program Director, shall constitute the exclusive record for decision. The record shall include any Authority proceeding upon an affidavit of personal bias or disqualification of any officer of the agency and the proposed and final decision, if any.

45-010 DECISION.

The Authority shall render its decision within sixty days after completion of the hearing. A copy of the decision shall be mailed to each party or to his attorney of record.

45-015 APPEAL.

Appeals, if any, shall be processed in accordance with the provisions of ORS 449.895.

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TITLE 51

AIR POLLUTION EMERGENCIES.

51-005 INTRODUCTION.

Notwithstanding any other rule or standard, this emergency rule is designated to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the public health.

51-010 EPISODE CRITERIA.

Conditions justifying the proclamation of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, shall be deemed to exist whenever the Program Director determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. In making this determination, the Program Director will be guided by the following criteria.

(1) "Air Pollution Forecast": An internal watch shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or by the equivalent local forecast of stagnant atmospheric conditions.

(2) "Alert": The Alert level is that concentration of pollutants at which first stage control action is to begin. An alert will be declared when any one of the following levels is reached at any monitoring site:

Sulfur Dioxide - 800 $\mu g/m^3$ (0.3 ppm) - 24 hour average

Particulate - 3.0 COHs or 375 $\mu g/m^3$ - 24 hour average

Sulfur Dioxide and particulate combined - 24 hour average - product of sulfur dioxide and particulate equal to:

525 ($\mu g/m^3$) (COH); or

0.2 (PPM) (COH); or

65 x 10^3 ($\mu g/m^3$) ($\mu g/m^3$)

Carbon Monoxide - 17 mg/m^3 (15 ppm) - 8 hour average.

Photochemical Oxidant - 200 $\mu g/m^3$ (0.1 ppm) - 1 hour average

Nitrogen Dioxide - 1130 $\mu g/m^3$ (0.6 ppm) - 1 hour average; or

282 $\mu g/m^3$ (0.15 ppm) - 24 hour average

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(3) "Warning": The warning level indicates that air quality is continuing to degrade and that additional abatement actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

Sulfur Dioxide - 1600 $\mu g/m^3$ (0.6 ppm) - 24 hour average

Particulate - 5.0 COHs or 625 $\mu g/m^3$ - 24 hour average

Combined Sulfur Dioxide and COHs, 24 hour average, product of sulfur dioxide and particulate equal to:

2100 ($\mu g/m^3$) (COH); or

0.8 (ppm) (COH); or

261 x 10^3 ($\mu g/m^3$) ($\mu g/m^3$)

Carbon Monoxide - 34 mg/m^3 (30 ppm) - 8 hour average

Photochemical Oxidant - 800 ug/m^3 (0.4 ppm) - 1 hour average

Nitrogen Dioxide - 2260 $\mu g/m^3$ (1.2 ppm) - 1 hour average; or

565 $\mu g/m^3$ (0.3 ppm) - 24 hour average

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(4) "Emergency": The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

Sulfur Dioxide - 2100 $\mu g/m^3$ (0.8 ppm) - 24 hour average

Particulate - 7 COH or 875 $\mu g/m^3$ - 24 hour average

Combined Sulfur Dioxide and Particulate - 24 hour average, product of sulfur dioxide and particulate equal to:

3144 (ug/m^3) (COH); or

1.2 (ppm) (COH); or

393 x 10^3 ($\mu g/m^3$) ($\mu g/m^3$)

Carbon Monoxide - 46 mg/m^3 (40 ppm) - 8 hour average; or

69 mg/m^3 (60 ppm) - 4 hour average; or

115 mg/m^3 (100 ppm) - 1 hour average

Photochemical Oxidant - 1200 $\mu g/m^3$ (0.60 ppm) - 1 hour average; or

960 $\mu g/m^3$ (0.48 ppm) - 2 hour average; or

640 $\mu g/m^3$ (0.32 ppm) - 4 hour average

Nitrogen Dioxide - 3000 $\mu g/m^3$ (1.6 ppm) - 1 hour average; or

750 $\mu g/m^3$ (0.4 ppm) - 24 hour average

and meteorological conditions are such that this condition can be expected to remain at the above levels for twelve (12) or more hours.

(5) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met, at which time the next lower status will be assumed, until termination is declared.

51-015 EMISSION REDUCTION PLANS.

Tables I, II and III of this regulation set forth special emission reduction measures that shall be taken upon the declaration of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, respectively. Any person responsible for a source of air contamination shall, upon declaration of any such condition, take all actions specified in the applicable Table and shall particularly put into effect the preplanned abatement strategy for such condition.

51-020 PREPLANNED ABATEMENT STRATEGIES.

(1) Any person responsible for the operation or control of a source of air contamination shall, when requested by the Authority in writing, prepare preplanned strategies consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an Air Pollutuion Alert, Air Pollution Warning and Air Pollution Emergency. Standby plans shall be desired to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Table I-II.

(2) Preplanned strategies as required by this section shall be in

writing and describe the source of air contamination, contaminants and a brief description of the manner and amount in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.

(3) During a condition of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency, preplanned strategies as required by this section shall be made available on the premises to any person authorized to enforce the provisions of these rules.

(4) Preplanned strategies as required by this section shall be submitted to the Authority upon request within thirty days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Authority. Matters of dispute in developing preplanned strategies shall, if necessary, be brought before the Environmental Quality Commission or Board of Directors of a regional authority, for decision.

(5) Municipal and county governments, or other appropriate governmental bodies, shall, when requested by the Authority in writing, prepare preplanned strategies consistent with good traffic management practice and public safety, for reducing the use of motor vehicles or aircraft within designated areas during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants from motor vehicles in accordance with the objectives set forth in Tables I - III and shall be prepared and submitted for review and approval by the Authority in accordance with subsections 2, 3, and 4 of this section. In reviewing the standby plans for local governments in counties within the territorial jurisdiction of the Authority, the Authority shall consult with the Departments of Environmental Quality in determining the adequacy and practicability of the standby plans.

51-025 IMPLEMENTATION.

(1) The Authority and the Department of Environmental Quality shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement these regulations. With the exception of sources of air contamination retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of the Authority shall submit the preplanned abatement strategies prescribed in Section 51-020 to the

Authority. The Authority shall submit summaries of the abatement strategies to the Department of Environmental Quality.

(2) Declarations of Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency shall be made by the Authority, with the concurrence of the Department of Environmental Quality. In the event such declaration is not made by the Authority, the Department of Environmental Quality shall issue the declaration and the Authority shall take appropriate remedial actions as set forth in these rules.

(3) Additional responsibilities of the Authority shall include, but are not limited to:

(a) Securing acceptable preplanned abatement strategies.

(b) Measurement and reporting of air quality data to the Department of Environmental Quality.

(c) Informing the public, news media and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and the public health.

(d) Surveillance and enforcement of emergency emission reduction plans.

51-026 EFFECTIVE DATE.

All provisions of this regulation shall be effective September 1, 1972 provided however that:

(1) Emergency actions authorized by Chapter 424, Oregon Laws 1971 shall be immediately available.

(2) Request for preplanned abatement strategies authorized by Section 51-020 of these rules may be made at any time after the date of adoption of this regulation.

TABLE I --- ALERT LEVEL

EMISSION REDUCTION PLAN

Part A - Motor Vehicle - Related Alert Conditions

For Alert conditions due to excessive levels of carbon monoxide, photochemical oxidants, or nitrogen dioxide, persons operating motor vehicles shall be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert area, and public transportation systems shall be requested to provide additional services in accordance with a preplanned strategy.

Part B - General Alert Conditions

For Alert conditions resulting from excessive levels of particulate matter and/or sulfur dioxide, the following measures shall be taken in the designated area:

1. There shall be no open burning by any person of domestic, commercial, industrial or agricultural waste or debris in any form.
2. The use of incinerators for the disposal of solid wastes, other than when said incinerator is closely integrated with a manufacturing process, shall be limited to the hours between 12 noon and 4 p.m.
3. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources	Control Actions - Alert Level
a) Coal, oil or wood-fired electric generating facilities.	a) Substantial reduction by utilization of fuels having low ash and sulfur content.
	b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c) Substantial reduction by diverting electric power generation to facilities outside of Alert Area.

b)	Coal, oil or wood-fired process steam generating facilities.	a)	Substantial reduction by utilization of fuel having low ash and sulfur content.
		b)	Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c)	Substantial reduction of steam load demands consistent with continuing plant operations.
c)	Manufacturing industries of the following classifications: Primary Metals Industries Petroleum Refining Chemical Industries Mineral Processing Ind. Grain Industries Paper and Allied Products Wood Processing Industry	a)	Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
		b)	Maximum reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substance.
		c)	Maximum reduction of heat load demands for processing.
		d)	Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II - WARNING LEVEL

EMISSION REDUCTION PLAN

Part A - Motor Vehicle - Related Warning Conditions

For Warning conditions, resulting from excessive levels of carbon monoxide, photochemical oxidants, or nitrogen dioxide, the following measures shall be taken:

1. Operation of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated areas during specified hours.

   Excepted from this provision are:

   a. Public transportation and emergency vehicles.

   b. Commercial vehicles.

   c. Through traffic remaining on Interstate or primary highways.

2. At the discretion of the Authority, operations of all private vehicles within designated areas or entry of vehicles into designated areas, may be prohibited for specified periods of time.

3. Public transportation operators shall, in accordance with a pre-planned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of (1) or (2) above.

Part B - General Warning Conditions

For Warning conditions resulting from excessive levels of particulate matter and/or sulfur dioxide, the following measures shall be taken:

1. There shall be no open burning by any person of domestic, commercial, industrial, or agricultural waste or debris in any form.

2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Warning level, in accordance with a preplanned strategy:

	Source of Air Contamination		Air Pollution Warning
a)	Coal, oil or wood-fired electric power generating facilities.	a)	Maximum reduction of utilization of fuels having lowest ash and sulfur content.
		b)	Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c)	Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
b)	Coal, oil or wood-fired process steam generating facilities.	a)	Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
		b)	Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c)	Prepare to use a plan of action to be taken if an emergency develops.
c)	Manufacturing industries which require considerable lead time for shut-down including the following classifications: Petroleum Refining Chemical Industries Primary Metals Industries Glass Industries Paper and Allied Products	a)	Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.
		b)	Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
		c)	Maximum reduction of heat load demands for processing.
		d)	Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence of boiler lancing or soot blowing.

d) Manufacturing industries which require relatively short time for shut-down.	a) Elimination of air contaminants from manufacturing operations by ceasing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malorous substances. c) Maximum reduction of heat load demands for processing. d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III - EMERGENCY LEVEL

EMISSION REDUCTION PLAN

1. There shall be no open burning by any person of domestic, commercial, industrial, or agricultural waste or debris in any form.

2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

3. All places of employment described below shall immediately cease operation:

   a) Mining and quarrying of nonmetallic minerals.

   b) All construction work except that which must proceed to avoid emergent physical harm.

   c) All manufacturing establishments, except those required to have in force an air pollution emergency plan.

   d) Wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

   e) All offices of local, county, and State government, including authorities, joint meetings and other public bodies excepting chief administrative officer of local, county or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this regulation.

   f) All retail trade establishments, except pharmacies and stores primarily engaged in the sale of food.

   g) Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

   h) Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.

   i) Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

j) Automobile repairs, automobile services, garages.

k) Establishments rendering amusement and recreation services including motion picture theaters.

l) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in these rules shall institute such actions as will result in maximum reduction of air contaminants from their operations which emit air contaminants, to the extent possible without causing injury or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

6. Airports shall be closed to all except emergency air traffic.

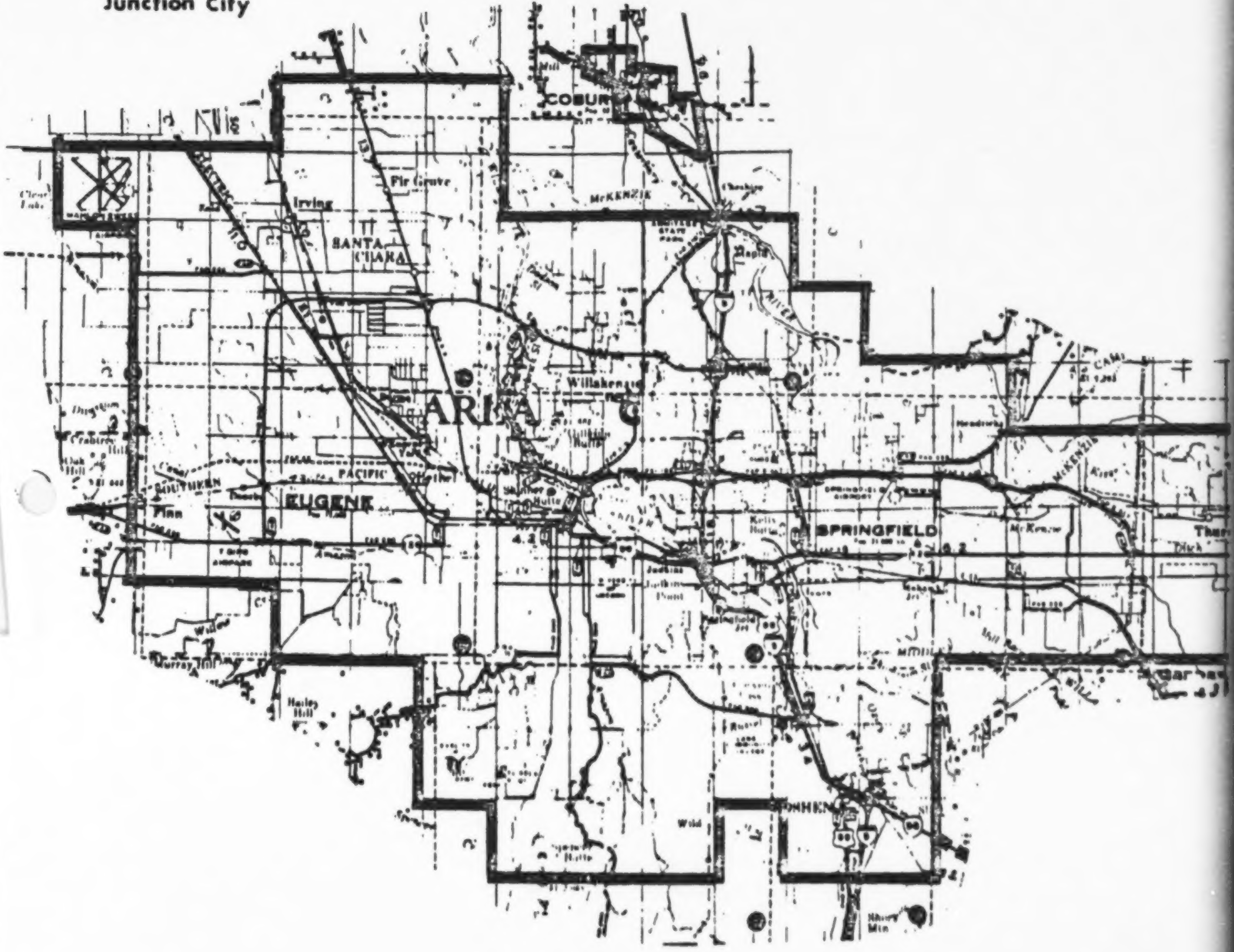
7. Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this Emergency Level.

Source	Air Pollution Emergency
a) Coal, oil or wood-fired electric power generating facilities.	a) Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	c) Maximum reduction by diverting electric power generation to facilities outside of Emergency area.
b) Coal, oil or wood-fired process steam generating facilities.	a) Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

	c) Taking the action called for in the emergency plan.
c) Manufacturing industries of following classifications: Primary Metals Industry Petroleum Refining Operations Chemical Industries Mineral Processing Industries Paper and Allied Products Grain Industry Wood Processing Industry	a) The Elimination of air contaminants from manufacturing operations by ceasing, curtailing, post-poning or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b) Elimination of air contaminants from trade waste disposal processes which emit solid, particles, gases, vapors, or malodorous substances. c) Maximum reduction of heat load demands for processing. d) Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

CONTROL AREA 'C'

Junction City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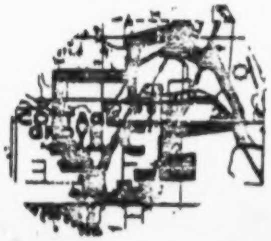

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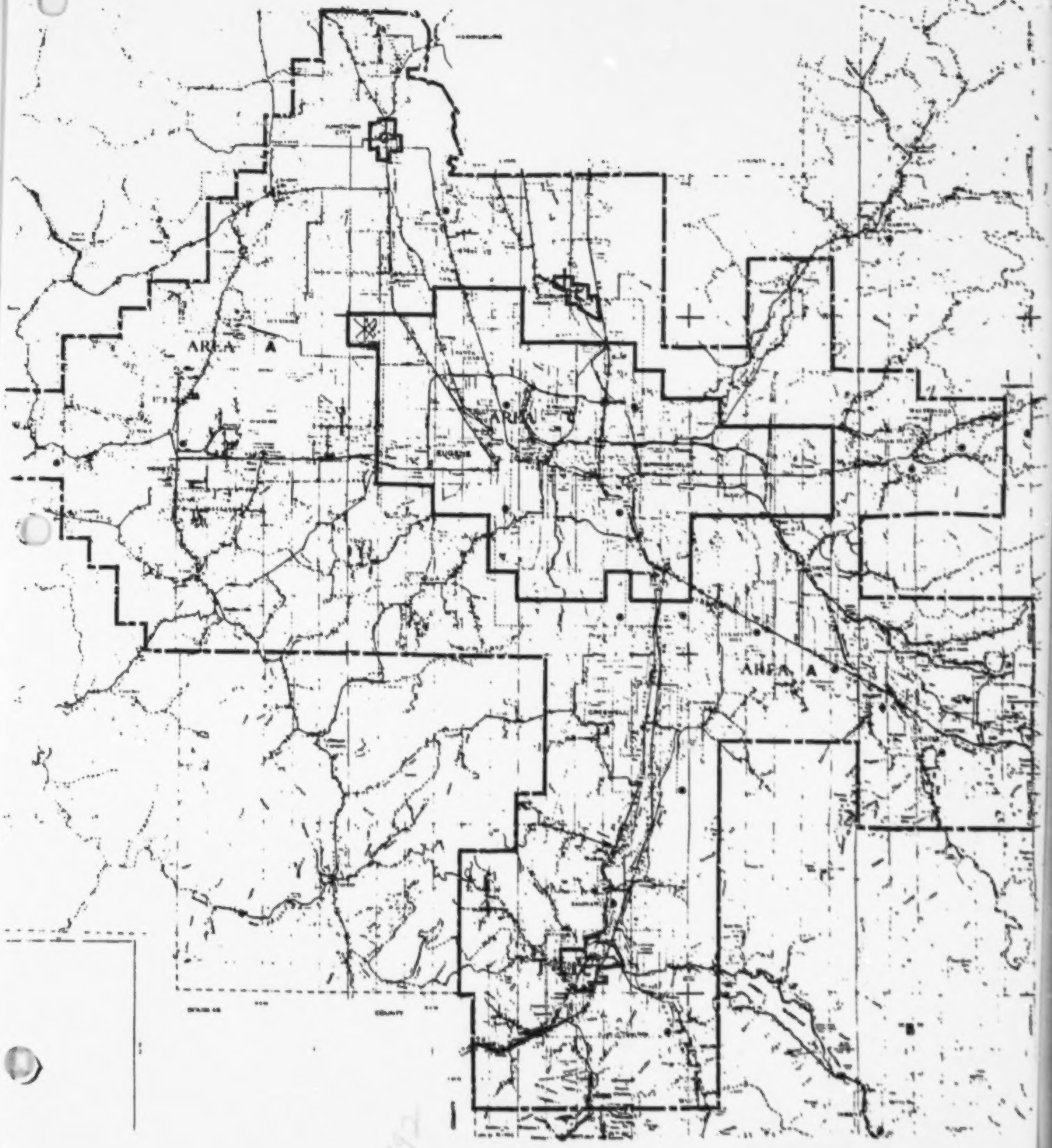
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RULES AND REGULATIONS
OF THE
MID-WILLAMETTE VALLEY AIR
POLLUTION AUTHORITY

CHAPTER I

RULES OF INTERNAL ADMINISTRATION

Title 10
POLICY - GENERAL PROVISIONS

10-005 POLICY.

(1) In the interest of the public health and welfare of the people it is declared to be public policy of the Mid-Willamette Valley Air Pollution Authority to restore and maintain the quality of the air resources of the territory in a condition as free from air pollution as is practicable consistent with the overall public welfare of the territory. The program of this Authority for the control of air pollution shall be undertaken in a progressive manner, and each of its objectives shall be sought to be accomplished by cooperation and conciliation among all the parties concerned. (adopted 5-19-70)

10-010 CONSTRUCTION AND VALIDITY.

(1) If any provision of these Rules shall be held void or unconstitutional by judicial or other determination, all other parts of these Rules which are not expressly held to be void or unconstitutional shall continue in full force and effect.

(2) These Rules are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of this Authority or any other control agency; and no provisions contained in these Rules are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

(3) These Rules shall be liberally construed for the protection of the health, safety and welfare of the people within the Region.

10-015 DEFINITIONS:

(1) "Agricultural operation" means the growing or harvesting of crops, the raising of fowl or animals, or bees, in a gainful manner, or the use of equipment incident thereto.

(1-a) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants. or any combination thereof. in sufficient quantities and of such characteristics and of a duration as are or are likely to be injurious to public welfare, to the health of human, plant or animal life or to property or which unduly interferes with enjoyment of life and property.

(3) "Atmosphere or ambient air" means the surrounding outside air.

(4) "Authority" means the Mid-Willamette Valley Air Pollution Authority.

(5) "Agency" means the Mid-Willamette Valley Air Pollution Authority.

(6) "Board" means the Board of Directors of the Mid-Willamette Valley Air Pollution Authority.

(7) "Control equipment" means any air cleaning device which prevents or controls the emission of any air contaminant.

(8) "Emission" means the release into the outdoor atmosphere of air contaminants.

(9) "Emission point" means the location, place in a horizontal plane and vertical elevation at which an emission enters the atmosphere.

(10) "Equipment" means any stationary or portable device or any part thereof capable of causing emission of any air contaminants into the atmosphere.

(11) "Excess air" means the quantity of air which exceeds the theoretical quantity of air required to complete combustion.

(12) "Fire permit issuing agency" means any city fire department, rural protection district, forest protection district, county court or board of county commissioners or their designated representatives, as applicable.

(13) "Fuel burning equipment" means equipment other than internal combustion engines and marine installations, the principal purpose of which is the production of hot air, hot water, or steam.

(14) "Garbage" means putrescible animal or vegetable waste resulting from handling, preparation, cooking and serving of food.

(15) "Health Officers" means the duly appointed health officers or their authorized representatives of a political subdivision participating in the Mid-Willamette Valley Air Pollution Authority.

(16) "Incinerator" means a combustion device specifically designed for the destruction, by burning, of solid, semi-solid, liquid, or gaseous combustible waste and from which the solid residue contains little or no combustible material.

(17) "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premise where the equipment or control apparatus will be used, includes all preparatory work at such premises.

(18) "Landclearing" means the removal of trees, brush, grass, or buildings in preparation for a land improvement or construction project.

(19) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(20) "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(21) "Odor" means that property of an air contaminant that affects the sense of smell.

(22) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background.

(23) "Outdoor fire" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, duct, vent, or chimney.

(24) "Particulate matter" means any matter, except uncombined water, which exists as a solid or liquid at standard conditions.

(25) "Particle fallout rate" means the weight of particulate matter which settles out of the air per unit area in a given length of time.

(26) "Person" or "Persons" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(27) "Refuse" means a mixture of rubbish and garbage.

(28) "Ringelmann chart" means the Ringelmann Smoke Chart with instructions for use as published in May 1967 by the United States Bureau of Mines.

(29) "Rubbish" means a mixture of non-putrescible solid waste excluding ashes and consisting of both combustible and non-combustible wastes such as paper, cardboard, yard clippings, wood, glass, cans, bedding, household articles and similar materials.

(30) "Sanitary Authority" means the Department of Environmental Quality Commission of Oregon.

(31) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominately of carbon, ash, and other combustible material present in sufficient quantity to be observable or a suspension in a gas of solid particles in sufficient quantity to be observable.

(32) "Suspended particulate" matter means particulate matter which normally remains suspended in the atmosphere.

(33) "Standard conditions" in emission tests means a gas temperature of 60 degrees F. and a gas pressure of 14.7 pounds per square inch absolute.

(34) "Threshold level of olfactory detection" means the odor perceptible threshold for fifty (50) percent of the odor panel as determined by the dilution method described in the "American Society of Testing Materials," "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)," Designation D 1391-57 or an equivalent method.

(35) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone and is used for the incineration of waste.

(Additional definitions in Sections 15-050 and 19-010.)

Title 11

GENERAL POWERS AND DUTIES OF BOARD AND DIRECTOR

11-005 DUTIES AND POWERS OF THE BOARD.

(1) The Board of Directors may exercise the functions vested in the Environmental Quality Commission and shall carry out these functions in the same manner as the Environmental Quality Commission within the Region, and may take such reasonable action as may be necessary to prevent air pollution, which may include control or measurement of the emissions of air contaminants from the source.

(2) The Board of Directors shall appoint a Director competent in the field of air pollution control, who shall observe and enforce the provisions of these Rules and all orders, ordinances, resolutions or rules and regulations of this Authority pertaining to the control and prevention of air pollution.

(3) The Board shall establish such procedures and take such action as may be required to implement Section 10-005, consistent with the Oregon statutes pertaining to air pollution.

11-010 DUTIES OF THE DIRECTOR.

(1) The Director shall:

(a) Seek compliance with these Rules by cooperation and conciliation among all the parties concerned.

(b) Make any reasonable investigation or study which is necessary for the purpose of enforcing these Rules or any amendment thereto, for controlling or reducing the amount or kind of air contaminant.

(c) Be empowered to enter and inspect during operating hours any property, premises, or place, and after four hours notice when requested, for the purpose of investigating either an actual or suspected source of air pollution or air contaminant, or to ascertain compliance or noncompliance with any rule or order of the Board.

(d) Undertake a community education program to provide the citizens of the region a better understanding of the nature of air pollution and its control.

(e) Be empowered to sign, execute, and serve official complaints, citations, and notices of hearing on behalf of the Board for the purpose of enforcing the provisions of these Rules and the Statutes pertaining to air pollution.

(2) The Director may:

(a) For the purposes of obtaining a sample of air contaminant, fuel, process material, or other material affects or may effect the emission of air contaminants and is taken within the plant boundaries, notify the owner or lessee of the time and place of obtaining the sample so the owner or lessee has the opportunity to take a similar sample at the same time and place.

(b) Employ persons including specialists and consultants, and purchase materials and supplies necessary to carry out the purpose of these Rules as approved by the Board.

(c) Recommend to the Board the adoption of such rules and procedures as are necessary or desirable to facilitate the equitable administration of these Rules.

(d) Advise any fire permit granting agency having jurisdiction in the region that meteorological conditions existing in specific area may be such that open burning under fire permits issued by it would have an adverse effect on air quality. The information so submitted by the Director pursuant to this subsection is advisory only.

(e) Cause written warning to be served upon the alleged violator or violators whenever there is reason to believe that any provision or provisions of these Rules have been violated. This warning shall specify the provisions of the rule alleged to be violated and the facts alleged to constitute a violation thereof, and may include recommendations for necessary corrective action and specify a reasonable time for this action.

(f) Negotiate with any person who will not be in compliance with these Rules on the effective date, or a person found at a later date not in compliance, a reasonable time for compliance as set forth in Section 12-015.

11-015 CONFIDENTIAL INFORMATION.

(1) Whenever any records or other information furnished to or obtained by the Authority relate to processes or production unique to the owner or operator are likely to affect adversely the competitive position of such owner or operator if released to the public or a competitor, and the owner or operator of such processes or production so certifies, in writing, such records or information shall be only for the confidential use of the Authority.

CHAPTER II

REGISTRATION, REPORTS AND VARIANCES

Title 12
REGISTRATION, REPORTS AND TEST PROCEDURES

12-001 REGISTRATION OF SOURCES.

(1) Upon request of the Authority, all air contaminant sources within the jurisdiction of the Authority shall register with the Authority.

(2) Registration shall be completed within 30 days following date of request.

(3) Registration shall be made by the owner, lessee of the source or agent on forms furnished by the Director. The owner, lessee of the source or agent, shall be responsible for the registration and the correctness of the information submitted.

(4) The Director may require from registrants any information relevant to air pollution such as but not limited to

- (a) name, address and nature of business;
- (b) air pollution control equipment being utilized;
- (c) location, size and height of air contaminant outlets;
- (d) process employed;
- (e) type and quantity of fuels used;
- (f) amounts, nature and duration of air contaminant emission;
- (g) amounts and methods of refuse disposal; and
- (h) name of local person responsible for compliance with these Rules.

(5) Each registration shall be signed by the owner, lessee or agent to verify the registration information.

(6) Any air contaminant source that is subject to the requirement of registration shall maintain such registration in current status by re-registering with the Authority of any change made affecting the information on file. (Adopted 5-19-70)

12-006 NOTICE OF CONSTRUCTION.

(1) Except for those sources exempted in Table I of this section, no person shall construct, install, or establish new air pollution control equipment or new process equipment from the air contaminant sources referred to in subsection (3) of this section without first notifying the Director in writing.

(2) All persons, firms and corporations operating or maintaining industrial, institutional or commercial establishments shall notify the Director in writing and submit plans and specifications as provided in Section 12-007 of these Rules prior to installation, construction or establishment of fuel burning equipment rated at 400,000 BTU per hour or greater or incinerators.

(3) Classes of air contamination sources are those enumerated in the "Standard Industrial Classification Manual" published by the Executive Office of the President, Bureau of Budget, 1967, issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., the major group classification being as follows:

Agriculture Services
Mining and Quarrying of Nonmetallic Minerals Except Fuels
Manufacturing of:
  Food and Kindred Products
  Lumber and Wood Products Except Furniture
  Furniture and Fixtures
  Chemicals and Allied Products
  Petroleum Refining and Related Industries
  Rubber and Miscellaneous Plastic Products
  Electrical Machinery, Equipment, and Supplies
  Leather and Leather Products
  Stone, Clay, Glass and Concrete Products
  Primary Metals Industry Except Aluminum
  Fabricated Metal Products Except Ordinance Machinery and Transportation Equipment
  Machinery Except Electrical
  Transportation Equipment

(4) For the purposes of this section, any additions to, enlargements of, reductions to, or replacement of an existing air contamination source shall be regulated the same as construction, installation or establishment of a new contaminant source. (Adopted 5-19-70)

TABLE I
(Rule 12-006)

AIR CONTAMINANT SOURCES EXEMPT FROM NOTICE OF CONSTRUCTION

(1) Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.

(2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which uses a suspension of abrasive in liquid.

(4) Foundry sand mold forming equipment, unheated.

(5) Fuel burning equipment which is used solely for a private dwelling serving four families or less.

(6) Insecticide spray equipment.

(7) Internal combustion engines, excluding gas turbine and jet engines.

(8) Laboratory equipment used exclusively for chemical or physical analyses.

(9) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

(10) Sewing equipment.

(11) Surface coating by use of an aqueous solution or a suspension.

(12) Steam cleaning equipment.

(13) Storage tanks, reservoirs or containers:

  (a) of a capacity of 6,000 gallons or less used for organic solvents, diluents or thinners;

  (b) of a capacity of 40,000 gallons or less used for liquid fuels including gasoline, lubricating oil, tallow, vegetable oil or wax emulsions.

(14) Vacuum cleaning systems used for housekeeping.

(15) Vacuum producing devices used in laboratory operations and vacuum producing devices which do not remove or convey air contaminants from or to another source.

(16) Vents used exclusively for:

  (a) Sanitary or storm drainage systems; or

  (b) Safety valves

(17) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used.

(18) Welding, brazing or soldering equipment.

(19) Asphalt laying equipment.

(20) Equipment used in agricultural operations.

(21) Barbecue equipment used in connection with any residence.

12-007 SUBMISSION OF PLANS AND SPECIFICATIONS.

(1) Within 30 days of receipt of construction notice, the Director may require, prior to construction, installation or establishment of the air contamination source or sources covered thereby, registration as required in Rule 12-001 and the submission of plans and specifications drawn in accordance with acceptable engineering practices. Such plans and specifications shall include the estimated quantities of input and output of air contaminants together with the estimated efficiency of the air pollution control equipment and shall be accompanied by a description of the process and a related flow chart. A plot plan, including the distance and the height of buildings within a reasonable distance from the place where the equipment is or will be installed also shall be submitted.

(2) Sufficient information shall be included to show that the proposed equipment or control apparatus will meet the emission standards as set forth in these Rules. The Director may request corrections and revisions to the plans and specifications, if any, to insure compliance with these Rules. (Adopted 5-19-70)

12-008 NOTICE OF APPROVAL.

(1) The Director shall, upon determining that the proposed construction is, in the opinion of the Authority, in accordance with the provisions of these Rules, promptly notify the person concerned that construction may proceed. A notice of approval to proceed with construction shall not relieve the owner of the obligation of complying with the emission standards of these Rules. (Adopted 5-19-70)

12-009 ORDER PROHIBITING CONSTRUCTION.

(1) If within 60 days of receipt of plans, specifications or any subsequently requested revisions or corrections to the plans and specifications or any other information required pursuant to this Section, the Authority determines that the proposed construction, installation or establishment is not in accordance with the provisions of these Rules, it shall issue an order prohibiting the construction, installation, or establishment of the air contamination source or sources. Failure of such order to issue within the time prescribed herein shall be considered a determination that the construction, installation or establishment may proceed, provided that it is in accordance with plans, specifications and any corrections or revisions thereto, or other information, if any, previously submitted; and further provided, it shall not relieve the owner of the obligation of complying with the emission standards of these Rules.

(2) Any person against whom the order is directed may within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the Authority. The hearing shall be conducted pursuant to the provision of Rules 19-005 to 23-030. (Adopted 5-19-270)

12-010 NOTICE OF COMPLETION.

(1) Notice shall be provided in writing to the Authority of the completion, installation or establishment and the date when the operation will commence. (Adopted 5-19-70)

12-015 SCHEDULE OF COMPLIANCE.

(1) (a) A person responsible for emissions which is not in compliance with these Rules on their effective date or a person responsible for emissions found by the Director at a later date not in compliance, shall submit to the Director for approval a schedule for compliance containing estimates of time for engineering, time for procurement, time for fabrication and time for installation and adjustment.

(b) A request to amend the original schedule may be submitted within nineth (90) days of the original request, provided that material facts are submitted in writing, indicating a different reasonable schedule is required for compliance.

(2) (a) If a person who has been given such reasonable time for compliance fails either to comply with these Rules by the time specified, or to make reasonable progress towards completion in any phase of such installation as is required for final compliance, the Director may require of such person such further reports as he deems necessary to show reasonable progress toward compliance.

(b) The Director may, if he finds unreasonable delay, proceed in accordance with the enforcement procedures contained in these Rules.

12-020 SOURCE EMISSION TESTS.

(1) Whenever the Director has reason to believe an emission in excess of that allowed by these Rules is occurring or is liekly to occur he may:

(a) Require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source.

(b) Specify testing methods to be used in accordance with good professional practice and he may observe the testing.

(c) Require that all tests shall be conducted by reputable, qualified personnel.

(d) Require that he be supplied with a copy of the test results in writing and signed by the person responsible for the test.

(e) Require installation of emission monitoring equipment and submission of monitoring records or make such other provisions so that operators of air contaminant sources may know the nature or appearance of emissions.

(2) The Director may conduct tests of emissions of air contaminants from any source, and may request the person responsible for the source to be tested to provide necessary holes and stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of emission of air contaminants.

(3) The Director shall, upon request, supply a copy of the test results to the person responsible for the source of air contaminant emission.

(4) All sampling methods used will be maintained in a file in the Director's office, which are available for review by interested persons during normal working hours. (Amended 5-19-70)

12-025 UPSET CONDITIONS - REPORTS REQUIRED.

(1) Emissions exceeding any of the limits established in these Rules as a direct result of upset conditions in, or breakdown of, any operating equipment or related air pollution control equipment, or as a direct result of a shutdown, of such equipment for scheduled maintenance, shall not be deemed to be in violation of these Rules, provided all the following requirements are met:

  (a) For scheduled maintenance, a report shall be submitted at least twenty-four (24) hours prior to shutdown.

  (b) For upset condition or breakdown, a report shall in any case be made within four (4) hours of the occurrence.

(2) The person responsible for such emissions shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such emissions to exceed the limits of these Rules and to reduce the frequency of such occurrence of such conditions; and shall, upon the request of the Director, submit in writing a full report of such occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of this section.

Title 13
VARIANCES

13-005 CONDITIONS FOR GRANTING.

(1) The Board, by an order, may grant specific variances from the particular requirements or limitations of these Rules to specific persons or class of persons of such specific air contamination sources, upon such conditions as it may deem necessary to protect the public health and welfare, if it finds the compliance with the air quality standards of these Rules or any order issued pursuant thereto is inappropriate because of conditions beyond the control of the persons granted such variances, or because of special circumstances which, would render compliance unreasonable, burdensome, or impractical due to special physical conditions or cause, or because no other alternative, facility, or method of handling is yet available.

(2) In determining whether or not a variance shall be granted, in all cases the equities involved and the advantages and disadvantages to the persons affected and the occupation or activity shall be weighed by the Board of Directors.

13-010 PROCEDURE FOR REQUESTING.

(1) Any person requesting a variance shall make his request in writing and shall state in a concise manner the facts to show cause why such variance should be granted.

13-015 PERIOD OF VARIANCE.

(1) Variances shall be for a period of time not to exceed twelve (12) months, but may be renewed for a similar period of time by the Board upon reapplication.

13-020 REVOCATION OR MODIFICATION.

(1) A variance granted may be revoked or modified by the Board after a public hearing held upon not less than ten (10) days prior notice.

(2) Such notice shall be served upon the holder of the variance and all persons who have filed with the Board of Directors a written request for such notification.

13-025 FILING AND REVIEW.

(1) A copy of each variance granted shall be filed with the Environmental Quality Commission within fifteen (15) days after being granted.

(2) The variance shall be reviewed by the Environmental Quality Commission as provided in ORS 449.880.

CHAPTER III

STANDARDS AND PROHIBITED PRACTICES

Title 14
AMBIENT AIR STANDARDS

14-005 GENERAL.

(1) No person shall cause, let, permit, suffer or allow any emission, which emission when combined with other emissions that are present in the ambient air are in excess of the standards enumerated in this section, PROVIDED that the ambient air standards shall not be enforceable on the property surrounding the emission point if such property is contiguous and is in exclusive possession and control of the person responsible for the emission.

14-010 PARTICULATE FALLOUT RATE.

(1) Particulate fallout rate measured at primary air mass stations, primary ground level monitoring stations, or special stations shall not exceed:

(a) 10 grams of particulate matter per square meter per month (10g/sq. m/mo.) in an industrial area.

(b) 5 grams of particulate matter per square meter per month (5 g/sq. m/mo.) in an industrial area if visual observation show a presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent (70%).

(c) 5 grams of particulate matter per square meter per month (5g/sq. m.mo.) in residential and commercial areas.

(d) 3.5 grams of particulate matter per square meter per month (3.5g/sq. m/mo.) in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent (70%).

(e) 0.35 of a gram of calcium oxide per square meter per month (0.35g/sq. m/mo.) in residential and commercial areas. (Amended 5-19-70)

14-015 SUSPENDED PARTICULATE MATTER.

(1) The concentration of suspended particulate matter measured in the air at primary air mass stations shall not exceed:

(a) 60 micrograms per cubic meter of air (60 μg/m3) for more than 50 percent of the samples collected in any one calendar year, based on not less than 85 samples with at least 7 samples per month.

(b) 100 micrograms per cubic meter of air (100 μg/m3) for more than 15 percent of the samples collected any calendar month based on not less than 7 samples.

(c) 20 micrograms of calcium oxide per cubic meter of air (20 μg/m3) in residential and commercial areas at any time. (Adopted 5-19-70)

14-020 CONTROL OF ODORS IN AMBIENT AIR.

(1) No person shall cause or permit the emission of odorous matter in such manner as to cause a public nuisance or:

(a) That occurs for sufficient duration or frequency so that two measurements made within a period of one (1) hours, separated by 15 minutes, off the property surrounding the emission point that is equal to or greater than a Scentometer No. 0 or equivalent dilutions, in areas used for residential, recreational, educational, institutional, hotel, retail sales or other similar purposes.

(2) In all land use areas other than (1)(a) above, release of odorous matter shall be prohibited if equal to or greater than a Scentometer No. 2 odor strength, or equivalent dilutions.

14-025 SULFUR DIOXIDE.

(1) Sulfur dioxide in the ambient air measured at primary air mass stations, primary ground level monitoring stations, or special stations shall not exceed the limitation shown in Table II of this Rule. (Adopted 5-19-70)

TABLE II
(Rule 14-025)

AMBIENT AIR STANDARDS FOR SULFUR DIOXIDE

Sulfur Dioxide (ppm by volume)	Ave Period	Frequency
0.75 ppm	15 min.	Once any 8 consec. hrs.
0.40 ppm	1 hr.	Once any 4 consec. days
0.10 ppm	24 hrs.	Once in any 30 consec. days
0.05 ppm	30 days	Any 30 consec. days

14-030 CARBON MONOXIDE.

(1) Carbon monoxide in the ambient air measured at primary air mass stations or primary ground level monitoring stations shall not exceed an average concentration of twenty (20) ppm by volume for any consecutive eight (8) hours. (Adopted 5-19-70)

Title 15
EMISSION STANDARDS

15-005 VISIBLE AIR CONTAMINANTS GENERAL.

(1) Fuel burning equipment, incinerators and equipment used in manufacturing processes shall be provided with sufficient control apparatus to meet the emission standards of these regulations to include means whereby the operator of the equipment shall be able at all times during the operation to know the appearance of the emission.

15-010 RESTRICTION ON EMISSION OF VISIBLE AIR CONTAMINANTS FOR EXISTING SOURCES.

(1) No person maintaining, owning or operating existing sources at the date of adoption, except as provided in Section 15-011, of these revised Rules shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, of

(b) of such an opacity as to obscure an observer's view to a degree equal to or greater than the smoke as dark or darker in shade as to that designated No. 1 on the Ringelmann Chart. (Amended 5-19-70)

15-011 EXCEPTION FOR EXISTING FUEL BURNING EQUIPMENT UTILIZING WOOD WASTE.

(1) No person maintaining, owning or operating existing fuel burning equipment utilizing wood wastes at the date of adoption of these revised rules shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, or

(b) of such an opacity as to obscure an observer's view to a degree equal to or greater than the smoke as dark or darker in shade as that designated No. 2 on the Ringelmann Chart. (Adopted 5-19-70)

15-015 RESTRICTION OF EMISSION OF VISIBLE AIR CONTAMINANTS FROM NEW SOURCES.

(1) No person owning, operating or maintaining new sources of emissions obtained or installed after the date of adoption of these rules shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:

(a) as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, or

(b) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade than No. 1 on the Ringelmann Chart.

15-020 EXCEPTION DUE TO UNCOMBINED WATER.

Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 15-010, 15-011, and 15-015 such Sections shall not apply.

15-025 RESTRICTION ON EMISSION OF PARTICULATE MATTER FOR EXISTING SOURCES.

(1) No person shall cause or allow the emission of particulate matter if the particulate matter discharged into the atmosphere from any single source existing at or prior to effective date of these Rules exceeds the following weight at the point of discharge:

(a) In wigwam waste burners and refuse burning equipment, 0.2 grains for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide, exclusive of carbon dioxide from auxiliary fuel.

(b) In fuel burning equipment, 0.2 grains for each standard cubic foot of exhaust gas calculated to 12 percent carbon dioxide.

(c) In equipment used in a manufacturing process, 0.2 grains for each standard cubic foot of exhaust gas.

15-030 RESTRICTION ON EMISSION OF PARTICULATE MATTER FROM NEW SOURCES.

(1) No person shall cause or allow the emission of particulate matter if the particulate matter discharged into the atmosphere from any single source installed subsequent to the effective date of these Rules, exceeds the following weights at the point of discharge:

(a) In wigwam waste burners or refuse burning equipment, 0.1 grain for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide exclusive of carbon dioxide from auxiliary fuel.

(b) In fuel burning equipment, 0.1 grain for each standard cubic foot of exhaust gas calculated to 12 percent carbon dioxide.

(c) In equipment used in manufacturing process, 0.1 grain for each standard cubic foot of exhaust gas.

15-035 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE.

(1) No person shall cause or permit:

(a) The handling or transporting or storage of any material in a manner which allows or may allow unnecessary amounts of particulate matter to become airborne, or

(b) A building or its appurtenances or road or a driveway or an open area to be constructed, used, repaired, or demolished without taking reasonable measures to prevent particulate matter from becoming airborne, or

(c) Untreated open areas located in a private lot or private roadway to be maintained without taking reasonable precautions to prevent particulate matter from becoming airborne.

15-040 OTHER EMISSION.

(1) It shall be unlawful for any person to cause or permit the emission of an air contaminant including an air contaminant or emission that is not otherwise covered by these regulations, if the air contaminant causes or tends to cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which causes or has a natural tendency to cause injury or damage to business or property so as to constitute a public nuisance.

15-050 DEFINITIONS (Process Weight).

(1) As used in Rules 15-050 to 15-070 unless the context otherwise requires:

(a) "Process Unit" means all equipment and appurtenances within an economic unit which produces goods or services at a single physical location and is engaged in one, or predominantly one, type of economic activity for which a Standard Industrial Classification code is applicable.

(b) "Process Weight per Hour" is the total hourly rate at which process materials, including solid fuels, but excluding liquid and gaseous fuels, are introduced into a process unit.

(c) "Standard Industrial Classification" means the classification or codification of units by type of activity, as enumerated in the "Standard Industrial Classification Manual" published by the Executive Office of the President-Bureau of Budget, 1967, prepared by Office of Statistical Standards and issued by the Superintendant of Documents, U.S. Government printing office, Washington, D.C. (Adopted 5-19-70)

15-055 EMISSION LIMITATIONS (Process Weight).

Except as otherwise provided in these Rules, no person shall cause, suffer, allow or permit the emission of particulate matter in any one hour from any process unit in excess of the amount shown in Table III of these Rules for the process weight per hour allocated to such process unit. (Adopted 5-19-70)

15-060 EXCEPTIONS (Process Weight).

(1) Rule 15-050 to 15-070 does not apply to the burning of fuel for the indirect heating and burning of refuse in which the products of combustion do not come into direct contact with process materials.

(2) Persons presently owning, maintaining and operating particleboard process units shall comply with Rules 15-050 to 15-070 on or before July 1, 1973. Upon adoption of these amendatory Rules, such persons shall proceed with a progressive program of air pollution control, applying the highest and best practical methods of treatment and control currently available and shall, at the request of the Authority, submit periodic reports in such form and frequency as directed to demonstrate the progress that such units are making toward full compliance with Rule 15-050 to 15-070. (Adopted 5-19-70)

15-065 SEPARATE PROCESS UNITS (Process Weight).

(1) Where a single physical location encompasses two or more distinct and separate economic activities for which different Standard Industrial Classification codes are applicable, such activities shall be treated as separate process units, provided it is determined that:

(a) Such activities are not ordinarily associated with one another at common physical locations;

(b) No one industry description in the Standard Industrial Classification includes such combined activities. (Adopted 5-19-70)

15-070 GENERAL PROVISIONS (Process Weight).

(1) Process weight per hour shall be based upon the process materials introduced into the process unit in one complete operation or cycle and the time required to complete that operation or cycle, excluding any time during which the process unit is idle.

(2) The process weight per hour referred to in Rules 15-050 to 15-070 shall be based upon the normal operation maximum capacity of the process unit and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable emissions.

(3) Compliance with the specific emission standard in Rule 15-050 to 15-070 does not preclude required compliance with any other applicable emission standard, or ambient air standard. (Adopted 5-19-70)

15-075 HOT - MIX ASPHALT PLANTS.

(1) The maximum allowable emissions of particulate matter from hot-mix asphalt plants shall be determined from Table III except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour. (Adopted 5-19-70)

15-080 RESTRICTION OF EMISSION OF LARGE - SIZE PARTICULATE MATTER.

(1) No person shall cause or permit the emission of any particulate matter which is larger than 125 microns in size provided such particulate matter does or will deposit upon real property of another person. (Adopted 5-19-70)

15-085 RESTRICTION OF EMISSION OF SULFUR DIOXIDE.

(1) No person shall cause or permit emission of sulfur dioxide in excess of 1,000 parts per million by volume from any air contaminate emission source. (Adopted 5-19-70)

TABLE III
(Rules 15-050 to 15-070)

PARTICULATE MATTER EMISSIONS STANDARDS FOR PROCESS UNITS

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.
50	0.24	1,500	3.54
100	0.46	1,600	3.66
150	0.66	1,700	3.79
200	0.85	1,800	3.91
250	1.03	1,900	4.03
300	1.20	2,000	4.14
350	1.35	2,100	4.24
400	1.50	2,200	4.34
450	1.63	2,300	4.44
500	1.77	2,400	4.55
550	1.89	2,500	4.64
600	2.01	2,600	4.74
650	2.12	2,700	4.84
700	2.24	2,800	4.92
750	2.34	2,900	5.02
800	2.43	3,000	5.10
850	2.53	3,100	5.18
900	2.62	3,200	5.27
950	2.72	3,300	5.36
1,000	2.80	3,400	5.44
1,100	2.97	3,500	5.52
1,200	3.12	3,600	5.61
1,300	3.26	3,700	5.69
1,400	3.40	3,800	5.77
3,900	5.85	13,000	11.89
4,000	5.93	14,000	12.50
4,100	6.01	15,000	13.13
4,200	6.08	16,000	13.74
4,300	6.15	17,000	14.36
4,400	6.22	18,000	14.57
4,500	6.30	19,000	15.58
4,600	6.37	20,000	16.19
4,700	6.45	30,000	22.22
4,800	6.52	40,000	28.30
4,900	6.60	50,000	34.30

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.
5,000	6.67	60,000	40.00
5,500	7.03	70,000	41.30
6,000	7.37	80,000	42.50
6,500	7.71	90,000	43.60
7,000	8.05	100,000	44.60
7,500	8.39	120,000	46.30
8,000	8.71	140,000	47.80
8,500	9.03	160,000	49.00
9,000	9.36	200,000	51.20
9,500	9.67	1,000,000	69.00
10,000	10.00	2,000,000	77.60
11,000	10.63	6,000,000	92.70
12,000	11.28		

Interpolation and extrapolation of the data for process unit weight rates in excess of 60,000 lb/hr shall be accomplished by the use of the equation: E = (55) (process weight in tons per hour) raised to the 0.11 power minus 40, where E equals the process unit emission in lb/hr.

Title 16
PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES

16-005 OPEN BURNING RESTRICTIONS.

(1) No person shall cause or permit any open outdoor fire or shall conduct a salvage operation by open burning except the following:

(a) Fires, on site, of rubbish from any structure used exclusively as a dwelling for not more than four families between the hours of 10 A.M. to 4 P.M.; provided that after July 1, 1971, such burning shall be prohibited if refuse collection service is available at the site on a regularly scheduled basis and at reasonable cost.

(b) Fires of tree trunks and limbs, brush, and other land clearing debris of comparable combustion characteristics provided the site of such burning is not:

(1) Within one mile of a designated interstate or state primary highway; or

(2) Within one mile of a commercial municipal or private airport; or

(3) Within one quarter mile of a state secondary highway, except for the initial land clearing for residential development, which burning is allowable up to the highway right of way; or

(4) Within one quarter mile of a residence, excepting a residence that may be located on the same property as the burning site.

(c) Fires, including outdoor fireplaces and barbecues, used for cooking of food and small fires for ceremonial recreational purposes.

(d) Agricultural burning under ORS Chapters 449, 476, and 478.

(e) Fires set or permitted by any public officer, board council or commission for the purpose of fire prevention, elimination of a fire hazard, or training for fire control.

(2) The fires and open burning permitted by subsection (1)(b) of this section shall be subject to and conducted within time periods and in accordance with burning requirements designated by the Director.

(3) No open outdoor fire permitted under (1)(a) and (b) of this section shall be allowed on any day when the Director advises fire permit issuing agencies to not issue permits because such practices would have an adverse effect on air quality.

(4) Nothing in this section shall relieve a person responsible for such burning from the consequences of, or the damages, injuries, or claims resulting from such burning nor the requirement to obtain applicable fire permits from fire permit granting agencies. (Amended 5-19-70)

16-010 MATERIALS EXCLUDED FROM ANY OPEN BURNING.

(1) No open outdoor fire allowed by this Rule shall contain garbage, asphalt, waste petroleum products, paint, rubber products, plastic, or any substance or material which normally emits dense smoke or obnoxious odors.

16-015 EVIDENCE OF OPEN BURNING.

(1) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire is the responsible party and any outdoor fire in violation of these rules shall be extinguished by the person responsible upon notice by the Director or his representatives.

16-105 EXISTING INCINERATORS, RESTRICTIONS.

No person shall cause or permit the emission of particulate matter from the stack or chimney of any existing incinerator which is in excess of Section 15-015 and Section 15-025 of these Rules. (Amended 5-19-70)

16-110 NEW INCINERATORS, RESTRICTIONS.

(1) All new incinerators after effective date of these rules shall:

(a) Be multiple-chambered incinerators, provided that the Director may approve any type of incinerator if he finds in advance of construction or installation that such other type of incinerator is equally effective for the purposes of air pollution control as an improved multiple-chambered incinerator;

(b) Meet the emission standards for particulate matter as prescribed in Section 15-015 and 15-030.

16-115 WIGWAM WASTE BURNERS, CONSTRUCTION AND OPERATION.

(1) Wigwam waste burners shall meet provisions of ORS 449.800 and Sections 24-005 through 24-020, OAR, of the Rules and Regulations of the State Sanitary Authority.

16-120 EXISTING WIGWAM WASTE BURNERS, OPERATION.

(1) Wigwam waste burners or similar devices in existence that are normally used on the effective date of these rules may continue in use provided their operation is in compliance with the emission and ambient air standards of these rules.

16-125 NEW CONSTRUCTION - CONSENT REQUIRED.

(1) Construction of wigwam waste burners or similar devices in any region is prohibited without prior approval of the Authority.

16-130 RESTRICTIONS ON THE CONCEALMENT AND MASKING OF EMISSIONS.

(1) No person shall willfully cause or permit the installation or use of any device or use of any means such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminants which would otherwise violate these rules.

(2) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emissions of an air contaminant, which air contaminant causes or is likely to cause detriment to health, safety or welfare of any person. (Adopted 5-19-70)

16-135 RESTRICTION ON THE EMISSION OF WATER VAPOR.

(1) No person shall cause or permit emission of water vapor if the water vapor causes detriment to the health, safety or welfare of any person, or causes damages to property or business. (Adopted 5-19-70)

16-140 ODOR CONTROL MEASURES.

(1) Control apparatus and equipment shall be installed and operated to reduce to a minimum odor bearing gases or odor bearing particulate matter emitted into the atmosphere.

(2) Gas effluent from animal matter reduction or incineration shall be maintained at a temperature of 1200 degrees F. for at least 0.3 seconds, or controlled in another manner determined by the Director to be equally or more effective.

(3) The Authority may require that building or equipment be closed and ventilated so that all air, gases, and particulate matter are effectively treated for removal or destruction of odorous matter. (Adopted 5-19-70)

16-145 STORAGE AND HANDLING OF PETROLEUM PRODUCTS.

(1) In volumes of greater than 40,000 gallons, gasoline or any volatile petroleum distillate or organic liquid having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions shall be stored in pressure tanks or reservoirs or shall be stored in containers equipped with a floating roof or vapor recovery system or other vapor emission control device.

(2) Gasoline or petroleum distillate tank car or tank loading facilities handling 20,000 gallons per day or more shall be equipped with submersible filling devices or other vapor emission control systems.

(3) Gasoline tanks with a capacity of 500 gallons or more, installed after the adoption of these Rules, shall be equipped with submersible filling devices or other vapor emission control systems. (Adopted 5-19-70)

Title 17
(Reserved for Expansion)

Title 18
(Reserved for Expansion)

CHAPTER IV

RULES OF PRACTICE AND PROCEDURE

Title 19
PURPOSE AND DEFINITIONS.

19-005 PURPOSE.

(1) The purpose of rules of practice and procedure is to prescribe the procedure to be followed before the Mid-Willamette Valley Air Pollution Authority in contested cases before the Authority, and involving air pollution control matters.

(2) These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

19-010 DEFINITIONS.

(1) Unless the context denotes otherwise, the following words in Titles 19 through 23 of these Rules shall mean:

(a) "Agency" means the Mid-Willamette Valley Air Pollution Authority.

(b) "Staff" means the Director of the Authority and his assistants and deputies.

(c) "Petition" includes a complaint, petition or remonstrance relative to any condition or situation that is represented to involve elements of air pollution within the jurisdiction of the Authority.

Title 20
PRE - HEARING PROCEDURES

20-005 METHOD OF INSTITUTING HEARINGS.

(1) A hearing may be instituted by the Agency on its own motion (as provided in Section 20-035) or as follows:

(a) By petition from any interested person to secure a declaratory ruling by the Agency on the applicability to any person, property or state of facts of any rule or statute enforceable by it,

(b) By petition from any interested person for the promulgation, repeal or amendment of any rule by the agency.

20-010 VERIFICATION OF THE PETITION.

(1) The petition shall be verified if in the opinion of the Agency such verification appears necessary.

20-015 CONTENTS OF THE PETITION.

(1) The petition shall be in writing, signed by, or on behalf of, the petitioner, and shall contain a detailed statement of:

(a) Ultimate facts sufficient to show the situation is entitled to the relief requested;

(b) The specific relief requested;

(c) All propositions of law to be asserted by the petitioner; and

(d) The name and address of petitioner and of any other person or persons necessary to the proceeding.

20-020 FILING OF THE PETITION.

An original and two copies of the petition, either in typewritten or printed form, shall be field with the Agency. A petition shall be deemed filed when received by the Agency. The Agency shall notify the petitioner of such filing.

20-025 SERVICE OF THE PETITION, NOTICES, ORDERS.

(1) After the Petition has been filed, the Agency shall cause an investigation to be made by its staff. If such investigation reveals probable cause for complaint, the Agency shall dispatch by registered or certified mail a true copy of the petition together with a copy of the applicable rules or practice to all necessary parties as named in the petition. Such petition shall be deemed served on the date of mailing to the last known address of the person being served.

(2) All motions, notices, pleadings, orders and decisions shall be deemed served upon mailing by regular mail to the last known address of all other parties.

20-030 ANSWERS, MOTIONS AND AMENDMENTS.

(1) Answers to petitions or other pleadings will not be required. Where no answer is filed with the Agency all allegations of the petition will be deemed denied. If an answer or other pleadings are desired, they shall be served and filed in the same manner and form as provided by law.

(2) The Agency, on its own motion or motion of any interested party, may require, within ten days of the filing of the petition, that the allegations in the petition be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted, the petitioner shall be given fifteen days after notice to comply with the order of the officer in charge of the hearing. If this is not done, those allegations complained of shall be stricken.

(3) At any time more than ten days prior to hearing, the petitioner may amend his petition by serving a copy of the amended petition on all necessary parties and by filing two copies with the Agency. After that time, amendment may be allowed at the discretion of the Agency.

(4) The petitioner may withdraw his petition at any time prior to hearing without prejudice. Thereafter, the petition may be withdrawn only upon approval of the Agency.

20-035 INSTITUTIONS OF PROCEEDINGS.

(1) In case of failure by conference, conciliation and persuasion to correct or remedy any source of any cause of air pollution or air contamination which has resulted in a violation of any rule, regulation or order of the Authority, the Agency may institute a hearing by written notice issued and served upon the person complained against.

(2) Contents of Notice.

The Notice shall be in writing, signed by the Chairman and attested by the Director or his assistant, and shall contain:

(a) A summary of the complaint made by or to the Agency; or in the alternative, a copy of the complaint shall be attached to the notice.

(b) Specify the provisions of the statute or rule, regulations or order of which the respondent is said to be in violation.

(c) A statement of the manner in and the extent to which such person is said to violate the statute or rule, regulation or order.

(d) A direction that the person so complained against shall appear and answer the charges of such Notice of complaint at a time and place before the agency.

(3) The respondent to such Notice or complaint may, within 15 days after date of the notice, file a written answer thereto, and may appear in person or by representative with or without counsel.

(4) The Notice shall be served as provided in Section 20-025 of these Rules, not less than twenty days prior to the hearing before the Agency.

(5) If the person served with Notice and Complaint fails to appear, the Agency may take such action and issue and enter such specific Order or make such specific determination as it shall deem appropriate under the circumstances.

20-040 NOTICE OF HEARING.

(1) When a hearing has been requested by filing a petition, or by the Agency upon its own motion, the Agency shall ascertain the time most convenient to it and shall give all interested parties twenty days' notice of the date and place where such hearing will be held and the nature of such hearing. This time may be shortened or extended by stipulation of all parties or upon request to the agency by any party which request may be granted or denied at the discretion of the Agency. The request shall be supported by affidavit setting out facts in support thereof and may be opposed by any other party in the same manner upon good cause shown. The request shall be served as is provided in these rules.

20-045 SUBPOENAS.

(1) Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing may be issued by the agency upon request by any part to the proceeding, including the agency itself, upon proper showing of general relevance or reasonable scope of the evidence sought.

20-050 INTERVENTION.

(1) Any person having an interest in the subject matter of any proceedings may petition for leave to intervene in such proceeding and may become a party thereto if the agency finds that such person may be bound by the order to be entered in the proceeding or that such person has a property or financial interest which may not be adequately represented by existing parties; PROVIDED that such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown no petition for leave to intervene will be entertained if filed less than ten days prior to hearing.

Title 21
HEARING PROCEDURE

21-010 CONDUCT OF HEARINGS.

(1) All hearings pertaining to the adoption of Rules and Standards shall be conducted by the Board of Directors. Other public hearings shall be held either by the Board and conducted by the chairman or by any member or members of the Board of Directors or by a hearing officer as the Board of Directors may designate. (Amended 5-19-70)

21-015 DISQUALIFICATION.

(1) Any party to a proceeding before an Agency may file an affidavit of personal bias of any officer or officers representing the agency. Any officer of the agency may withdraw from the proceeding whenever he deems himself disqualified because of personal bias except in those cases where such withdrawal may preclude a hearing.

21-020 POWERS OF CHAIRMEN.

(1) The Chairman or Vice-Chairman of the Authority or a hearings officer shall have the following powers:

- (a) To cause notice to be given of and hold hearings;
- (b) To administer oaths and affirmations;
- (c) To examine witnesses;
- (d) To issue citations and subpoenas; (Subpoenas may be served by any person authorized by the Chairman);
- (e) To take or cause to be taken depositions as provided by law;
- (f) To rule upon offers of proof and receive evidence, and prior to ruling may seek the advice of the Attorney for the Authority in attendance at the hearing or meeting;
- (g) To regulate the course of the hearing, including:
  - (A) The power to eject any person who in any manner interferes with the orderly procedure of a hearing;
  - (B) May require parties to proceedings to submit in advance of hearing a written list of prospective witnesses and an estimate of time required to present his or its case.

(h) To hold conferences, before or during the hearing for the settlement or simplification of issues, with the consent of the parties;

(i) To dispose of procedural requests or similar matters;

(j) To take any other action authorized by these rules. (Amended 5-19-70)

21-025 WHO MAY APPEAR AT HEARINGS.

(1) Each party may be represented by counsel.

(2) Any individual may appear for himself, and any member of a partnership which is a party to any proceedings may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association or individual by permission of the officer presiding at the hearing.

21-030 STANDARD OF CONDUCT AT HEARINGS.

(1) Contemptuous conduct by any person appearing at a hearing shall be grounds for his exclusion by the presiding officer from the hearing.

21-035 HEARINGS REPORTER.

(1) The official record of the hearing shall be stenographically or mechanically recorded by a person assigned by the agency capable of doing such reporting. The method used shall be in the discretion of the Agency.

21-040 TRANSCRIPT OF TESTIMONY.

(1) A transcript of the official record shall be furnished by the Agency only for the purposes of judicial review.

21-045 CONTINUANCES AND POSTPONEMENTS.

(1) Motion for continuance or postponement of any hearing may be granted by the Agency for good cause shown.

Title 22
EVIDENCE

22-010 GENERALLY.

(1) The testimony of witnesses at a hearing shall be upon oath or affirmation administered by an officer or employee of the Agency authorized to administer oaths and shall be subject to cross-examination. Any member of the Agency or its attorney may interrogate witnesses at any stage of the proceedings, either on direct or cross-examination.

(2) Any witness may, in the discretion of the Agency, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(3) The Agency may limit oral argument in its discretion.

22-015 OATH OR AFFIRMATION.

(1) The oath or affirmation taken by a witness before he may testify shall be in the same form and manner as is provided by law. This may be eliminated by stipulation of all parties, but for the purpose of judicial review testimony not on oath or affirmation shall be excluded from the record of the case.

22-020 RIGHT TO FULL AND TRUE DISCLOSURE OF THE FACTS.

(1) Every party shall have the right to present his case or defense by oral, documentary or other satisfactory evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

22-025 BURDEN OF PROOF.

(1) The petitioner shall have the burden of proof; provided, that where proceedings are initiated by the Agency on its own motion, the report of its Director as to the existence of air pollution, and the cause thereof shall constitute prima facie evidence thereof, unless satisfactorily rebutted, and such Report shall constitute a part of the official record of the proceedings.

22-030 ADMISSION AND EXCLUSION OF EVIDENCE.

(1) The rules of evidence and requirements of proof shall conform, to the extent practicable with those in civil non-injury cases in the circuit courts.

(2) Hearsay evidence shall not be admissible over an objection based on lack of opportunity to cross-examine.

(3) The Agency may limit expert and opinion evidence in its discretion.

22-035 OBJECTIONS.

(1) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination he shall state briefly the grounds of such objection, whereupon the chairman shall give the party adversely affected by its ruling on the objection, an automatic exception.

22-040 JUDICIAL NOTICE.

(1) After first advising all parties of its intention to do so, the Agency may take notice of judicially cognizable facts as is provided by law (ORS 41.410 to 41.480) and of general technical or scientific facts within the specialized knowledge of the officers and staff of the agency.

22-045 INFORMAL DISPOSITION.

(1) Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default; provided that an order adverse to a party may be issued upon default only upon prima facie case made on the record by the Agency. Such a decision shall not be reviewable.

22-050 ARGUMENT AND SUBMITTALS.

(1) The Agency shall give the parties to the proceedings adequate opportunity for the presentation of arguments in support of motions, objections and exceptions to its proposed decision. Prior to a proposed decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

22-055 SUMMARY, FINDINGS AND RECOMMENDATIONS OF HEARINGS OFFICER.

(1) In the event the hearing is conducted by less than a majority of the Board of Directors or by a hearings officer, a summary of the evidence with findings of fact and conclusions of law and recommendations for decision shall be prepared by the person or persons conducting the hearing and reviewed by the Board of Directors prior to making its order.

22-060 SERVICE OF FINDINGS BY HEARINGS OFFICER.

(1) A copy of the findings of fact and conclusions of law and the proposed decision by the hearings officer shall be served upon each party adversely affected by the proposed decision. Within five days after such service a party adversely affected may submit written exceptions and the Board may provide opportunity for oral argument. The Board shall consider the findings of fact and conclusions of law, proposed decision, written exceptions and oral argument, if any, before making its decision.

Title 23
DECISION AND APPEAL

23-010 RECORD OF DECISION.

(1) The stenographic or mechanical record of the testimony and exhibits, together with all papers, requests and rulings filed in the proceeding shall constitute the exclusive record for decision. The record shall include any agency proceeding upon an affidavit of personal bias or disqualification of any officer of the agency and the proposed and final decision, if any.

23-015 DECISION.

(1) If a majority of the Board of Directors has conducted the hearing the Agency shall render its decision within sixty days after completion of the hearing. A copy of the decision shall be mailed to each party or his attorney of record. If the hearing is conducted by a hearings officer, or by a member or members constituting less than a majority of the Board, the final decision shall be made and entered by the Board within sixty days after conclusion of the hearing if no exceptions are filed, or within sixty days after final arguments or written exceptions to a proposed decision. (Adopted 5-19-70)

23-020 APPEAL.

(1) Any party to an agency proceeding who is adversely affected by the final decision may appeal to the Circuit Court in the form and manner prescribed in ORS 183.480 and 449.805 (1).

(2) A person adversely affected by an Order or determination of the Agency in matters relating to air pollution, but who is not a party to the original proceedings, may institute proceedings for a review thereof within the time and manner provided in ORS 449.805 (2) (3).